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June 16, 2020

The Honorable Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary DeVos,

I am writing regarding some troubling information that has emerged about the University of California at Berkeley's Center of Middle Eastern Studies (CMES) and the potential misuse of Title VI of the Higher Education Act funding. Long acknowledged as a center of excellence, Berkeley was home to the free speech movement. Today, however, it appears administrators at Berkeley cannot distinguish between speech protected under the First Amendment and misallocating government funding, under the guise of academic freedom, for purposes contrary those required by Congress when it created Title VI.

A previous inquiry into the Duke/UNC Middle East Consortium for Middle East Studies found that most programs had "little or no relevance to Title VI," and that the programs "lack balance."<sup>1</sup> This, coupled with evidence detailed below, lead me to believe a formal inquiry in to Berkeley's use of Title VI funds is needed.

Title VI is aimed at strengthening the interests of the United States in a complex global environment, by ensuring that universities are properly resourced to educate students in matters related to foreign affairs, including relevant linguistic and cultural training. The overarching goal is national security oriented. In order for this goal to be accomplished, it is imperative that students are presented with fact-based information, not agitprop with agendas quite different from Congress and the United States Government. For divisive international political matters, it is critical that students not only be presented with objective information, but also competing narratives for which students must decide for themselves, in their best judgment, the truth of the matter.

Title VI's mission is best fulfilled when students are given a complete picture, and to the extent subjective interpretations form part of that picture, such explanations should be presented holistically. Yet, regarding the Israeli-Palestinian conflict, however, Berkeley students are

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<sup>1</sup> "Notice of a Letter Regarding the Duke-UNC Consortium for Middle East Studies," Federal Register, September 17, 2019. Available at: <https://www.federalregister.gov/documents/2019/09/17/2019-20067/notice-of-a-letter-regarding-the-duke-unc-consortium-for-middle-east-studies>

overwhelmingly fed a false and distorted narrative not only at odds with an objective approach to understanding the conflict, but substantially at odds at American national security interests.

These considerations are all the more important in light of President Trump's executive order noting that his administration will apply civil rights legislation to Jews on campus who feel marginalized. All too often, virulent antisemitism is masked as commentary on the Israeli-Palestinian conflict. Not only is such marginalization illegal in an educational context, but it would be a grossest misuse of federal funding if it subsidized the mistreatment of Jews on campus.

In 2019, a pro-Israel campus group, Tikvah, complained that CMES was biased against Israel. In a statement published online in March, Tikvah noted that the center had hosted more than 24 Israel-related events since 2016 and that each one "has maliciously attempted to portray the democracy of Israel in a negative light." CMES, despite being focused on the Middle East, refused to co-host an event featuring former Israeli MK and Ambassador Danny Ayalon.<sup>2</sup> Speaking of CMES at Berkeley, Alyza Lewin, president of the Louis D. Brandeis Center for Human Rights Under Law, told *The Algemeiner*:

When Middle Eastern studies centers use their federal funds to promote biased, one-sided, anti-American and anti-Israel programming and then refuse to engage in or support pro-Israel programming, they undercut the purpose of Title VI.<sup>3</sup>

Also important is CMES's acceptance of funds from entities whose aims do not align with America's or the purposes of Title VI. Specifically, the Saudi Arabian Sultan bin Abdulaziz Al-Saud Foundation made a \$5 million gift to CMES in 1998.<sup>4</sup> In 2003, a campus newspaper charged that among the Saudi funders of CMES were two individuals with ties to Al Qaeda.<sup>5</sup> The Center denied the charge and denied any Saudi influence on its curriculum. In the aftermath of the murder of Jamal Khashoggi, there has been a renewed concern over Saudi funding of U.S. universities.<sup>6</sup> According to one study, since 2012, CMES has received an additional \$24 million from Saudi Arabia.<sup>7</sup> In light of this, the Department of Education should investigate whether Title VI funds are being utilized in conjunction with funding from Saudi Arabia. While the U.S. and Saudi Arabia share some strategic goals, their interests and values differ greatly, and the

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<sup>2</sup> "Zionist Student Group Accuses UC Berkeley Middle East Center of Anti-Israel 'Indoctrination,'" By: Shiri Moshe, *Algemeiner*, March 18, 2019. Available at: <https://www.algemeiner.com/2019/03/18/zionist-student-group-accuses-uc-berkeley-middle-east-center-of-anti-israel-indoctrination/>

<sup>3</sup> Id.

<sup>4</sup> "Foundation donates \$5 million to UC Berkeley to promote understanding of Arab, Islamic worlds" University of California Berkeley, Press Release, November 23, 1998. Available at: <https://www.berkeley.edu/news/media/releases/98legacy/11-23-1998c.html>

<sup>5</sup> "UC Berkeley benefactors tied to 9-11 Mideast studies program funded by Saudis implicated in attacks," *WorldNetDaily*, May 8, 2003. Available at: <https://www.meforum.org/campus-watch/8417/uc-berkeley-benefactors-tied-to-9-11>

<sup>6</sup> "Ties That Bind," By: Elizabeth Redden, *Inside Higher Ed*, November 8, 2018. Available at: <https://www.insidehighered.com/news/2018/11/08/colleges-are-called-upon-review-their-collaborations-saudi-arabia-after-khashoggi>

<sup>7</sup> "Clarion EXCLUSIVE Report: Foreign Influence Ops on US Universities," By: Ryan Mauro and Alex VanNess, September 5, 2019. Available at: <https://clarionproject.org/us-universities-foreign-funding-clarion-intel-exclusive/>

wishes of the Saudi government or government-connected businessmen should not drive American national security education.

Aside from these broad considerations, Berkeley's CMES has hosted several highly politicized professors. While they retain the constitutional freedom to present biased interpretations of their subjects, there should be a clear delineation of which scholarship is funded by Title VI funds, and which is not. I request that the Department of Education further investigate the extent to which, if any, these professors have received Title VI funding for projects and teaching in which they have engaged that is not in accordance with the mandates of Title VI.

For example, Ussama Makdisi, then a visiting professor of history, wrote in "Setting the Record Straight: the Arabs, Zionism, and the Holocaust," a March 2012 book review published in *Tikkun*, a progressive Jewish magazine published by Duke University Press, that focus on the ties between the WWII-era Grand Mufti of Jerusalem, Haj Amin al-Husseini, and the Nazis has been exaggerated. Makdisi asserted "the line between opposition to the Zionist claim to Palestine and a generalized antipathy for Jews was indeed blurred beyond recognition." Emphasizing the Mufti's Nazi ties, he wrote, "is evoked mostly to deny the Nakba,"<sup>8</sup> the Arabic word for "catastrophe" used by antisemites to describe the creation of Israel.

Yet there is abundant documentary evidence showing that the Mufti was without question a rabid antisemite, and not simply opposed to Jewish settlement in what was then called Palestine. For example, he was found to have been responsible for the Farhud, a pogrom against the Jews of Iraq in 1941, hundreds of miles from Palestine.<sup>9</sup>

Writing in *The Hill* in 2014 following Operation Protective Edge, when Israel defended its citizens against rocket and mortar fire from the terrorist group Hamas, Makdisi responded "Long before Hamas was created, Zionist Israel was a settler-colonial enterprise. It remains one today." He even falsely asserted that "We are not yet at the point of genocide in Palestine, but we may not be as far from one as we think."<sup>10</sup> In 2011, Ma'an, the Palestinian news agency, reported that some 5.5 million Palestinians lived in Israel, the West Bank, and Gaza.<sup>11</sup> While the Ma'an numbers are likely exaggerated, it is undeniable that Israel has no designs to commit genocide against the Palestinians.

Keith Feldman, associate professor of comparative ethics and a senior research scholar at CMES, authored *A Shadow over Palestine: The Imperial Life of Race in America*. A recent review described the book as a "detailed but deeply flawed account of the origins of the radical romance between American Black nationalists and Palestinian rejectionists." Feldman, for example, called Zionism a "racist settler colonialism," although his evidence "does not justify this judgment." He praised the infamous United World Conference against Racism held in Durban, South Africa in September 2001 and its efforts to reinstate the notorious "Zionism Is Racism" resolution. Yet, he

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<sup>8</sup> "Setting the Record Straight: The Arabs, Zionism, and the Holocaust," By: Ussama Makdisi, *Tikkun*, March 7, 2012. Available at: <https://www.tikkun.org/setting-the-record-straight-the-arabs-zionism-and-the-holocaust>

<sup>9</sup> "How the Mufti of Jerusalem Created the Permanent Problem of Palestinian Violence," By: Edy Cohen, *The Tower*, November 2015 (Issue 32). Available at: <http://www.thetower.org/article/how-the-mufti-of-jerusalem-created-the-permanent-problem-of-palestinian-violence/>

<sup>10</sup> "Gun Zionism," By: Ussama Makdisi, *The Hill*, September 4, 2014. Available at: <https://thehill.com/blogs/congress-blog/foreign-policy/216580-gun-zionism>

<sup>11</sup> See: <https://www.maannews.com/Content.aspx?id=386989>

ignored Secretary of State Colin Powell's decision to walk out of the conference because of its "hateful language" and its singling out of "only one country in the world, Israel, for censure and abuse."<sup>12</sup>

In a 2015 talk expanding on themes in his book, Feldman drew an ahistorical parallel between Israel and the United States in asserting that "Israel since 1948 [its founding] has been in a state of perpetual war," and that the U.S. was "animated by a seemingly permanent war making structure." This ostensible similarity, he claimed, resulted from "racialized practices of threat production adhering in the enduring violence of white supremacy and settler sovereignty." One commentator described the talk as a "jargon-laden, morally relativistic, historically blind approach to a complex reality."<sup>13</sup>

Feldman also signed a letter sponsored by the anti-Israel organization Jewish Voice for Peace objecting to the University of California's adoption of a "Statement of Principles Against Intolerance" because its introduction includes the statement "Anti-Semitism, anti-Semitic forms of anti-Zionism and other forms of discrimination have no place at the University of California."<sup>14</sup> The Statement was subsequently adopted.<sup>15</sup>

Emily Gottreich, chair of CMES, signed a 2009 letter urging the University of California not to restart its year abroad program in Israel.<sup>16</sup> Such a move directly violates Title VI requirements to maintain linkages to universities in the Middle East. It is especially egregious coming from a chair of a Title VI funded center and raises serious legal questions regarding her continued leadership of CMES.

In response to charges that funders of CMES had ties to Al Qaida, Gottreich characterized the reporter as promoters of "the most extreme form of right-wing Zionism."<sup>17</sup>

Gottreich also joined Keith Feldman in signing the substantially flawed Jewish Voices for Peace letter described above.<sup>18</sup>

In each of the above cases, while professors can teach and write as they wish, this kind of scholarship is not what Congress intended when it passed Title VI legislation and should not be supported by Title VI funds. An investigation as to how Title VI resources are used should follow to ensure funds appropriated by Congress for U.S. national security interests are spent accordingly, not on politicized scholarship aimed mostly at one of America's closest allies.

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<sup>12</sup> "A Radical Romance with the Palestinians," By: Dominic Green, Middle East Quarterly, Summer 2018. Available at: <https://www.meforum.org/7244/a-radical-romance-with-the-palestinians>

<sup>13</sup> "Berkeley Prof: Race in America Is Like 'Occupation' in Israel: A Glimpse Inside the Twisted World of 'Ethnic Studies' Prof Keith Feldman," By: Cinnamon Stillwell, FrontPage Magazine, October 14, 2015. Available at: <https://archives.frontpagemag.com/fpm/berkeley-prof-race-america-occupation-israel-cinnamon-stillwell/>

<sup>14</sup> Letter available at: <https://jewishvoiceforpeace.org/uc-faculty-letter-to-regents/>

<sup>15</sup> "UC Regents Adopt Statement Against Intolerance with Academic Council Amendment," University of California Academic Senate, April 2016. Available at:

<https://senate.universityofcalifornia.edu/files/news/source/intolerance-statement.april2016.html>

<sup>16</sup> Letter available at: <http://normanfinkelstein.com/2009/04/09/another-important-initiative/>

<sup>17</sup> Supra Note 4.

<sup>18</sup> Supra Note 13.

**Conclusion**

The evidence presented above reveals a troubling state of affairs at the University California Berkeley's Center of Middle Eastern Studies. When Congress initiated Title VI, it certainly did not have "scholarship" such as Holocaust minimization or demonization of a key ally in mind. It is critical that the Department of Education ascertain whether any Title VI funding has been utilized to achieve these disappointing acts of a small but vocal group of politicized academics.

Sincerely,

A handwritten signature in blue ink that reads "Doug Lamborn". The signature is written in a cursive, flowing style.

Doug Lamborn  
Member of Congress