

Jewish, Civil Rights, and Educational Groups Urge Higher Education Reform

Washington, D.C., January 24, 2018: Today, fourteen Jewish, educational, and civil rights organizations urged the U.S. Senate to reform the Higher Education Act to prevent misuse of federal funds by publicly supported, university-based Middle East studies programs. In a letter to Chairman Lamar Alexander and Ranking Member Patty Murray of the Senate Health, Education, Labor, and Pensions (HELP) Committee, the coalition charged that “federal funds under Title VI of the [Higher Education Opportunity Act or HEOA] are being misused to promote biased, one-sided, and anti-Israel programming in our nation’s Middle East studies centers.”

To address this problem, the coalition urged the senators to ensure that these programs comply with existing requirements to provide “diverse perspectives and a wide range of views.” “Urgent reform is needed,” said Alyza Lewin, Chief Operating Officer and Director of Policy at the Louis D. Brandeis Center for Human Rights Under Law (LDB). “Our groups have been concerned for years that federal funds are being misused in ways that undermine the purpose for which they have been authorized, which is to strengthen America’s national security. Congress now has a real opportunity to prevent manipulation of this program for political purposes.”

The coalition of signatory groups included major Jewish, educational, and civil rights organizations: Academic Council for Israel, AMCHA Initiative, American Association of Jewish Lawyers and Jurists (AAJLJ), American Council of Trustees and Alumni (ACTA), American Jewish Committee (AJC), B’nai B’rith International, Endowment for Middle East Truth (EMET), IAC for Action, The Louis D. Brandeis Center for Human Rights Under Law (LDB), Middle East Forum, Scholars for Peace in the Middle East (SPME), Simon Wiesenthal Center, StandWithUs (SWU), and Zionist Organization of America (ZOA). “It has been gratifying,” Alyza Lewin remarked, “to work with these diverse groups to ensure that federal funds are properly used and that universities permit a wide range of voices to be heard.”

The coalition urged the Senate to expand upon reforms that have already been adopted by a key committee of the U.S. House of Representatives. The House Committee on Education and the Workforce addressed this issue in H.R. 4508, the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act. The Prosper Act, which passed Committee last month and is awaiting a vote on the House floor, would reauthorize the Higher Education Opportunities Act (HEOA). “We commend Chairman Virginia Foxx for the important Middle East studies reforms that her House committee adopted and hope that senators will expand upon them,” Alyza Lewin added.

Congress previously addressed the misuse of federal funds by Middle East Studies programs a decade ago in its 2008 reauthorization of the HEOA. At the time, Congress required that publicly-funded Title VI programs “reflect diverse perspectives and a wide range of views.” Despite this important reform, many Title VI recipients have continued to engage in the same misconduct that led Congress to act a decade ago.

The coalition letter observed that, “many programs funded under Title VI do not serve the program’s basic objectives of advancing the interests of American national security and foreign

relations. They often exclude scholars with diverse perspectives and stifle discourse on critical issues. The biased learning environment that results suppresses the academic freedom of students and faculty; at some institutions, students are afraid to disagree with their professors.”

“It is unfortunate that many universities and the U.S. Department of Education have not done what Congress required ten years ago,” Alyza Lewin explained. The coalition letter emphasized this point. “While we would have thought that Congress’ intention in 2008 to assure that programs funded under Title VI presented diverse points of view—not only diversity as to the identity of instructors or as to their respective disciplines—was clear,” says the letter, “the Department of Education (ED) has failed to adequately apply the “diverse perspectives and a wide range of views” requirement, and many universities have ignored this requirement.”

To help solve these systemic problems and ensure taxpayer funds are spent properly, the coalition letter urges the Senators to accept three simple reforms. First, they should approve reforms recently approved by the House Education and the Workforce Committee to, inter alia, require annual reporting by the Education Department on its administration of this program. Second, they should define key terms in the statute to ameliorate continuing confusion. Third, they should require the Department of Education to “score” (or evaluate) the pertinent portion of universities’ Title VI applications, giving appropriate credit to those universities that take effective actions to comply with federal requirements.

Alyza Lewin continued, “At the end of the day, these reforms are all about ensuring that students are exposed to the widest range of viewpoints, research, and scholarship. This should be welcome news to those universities that embrace freedom of speech and academic freedom – and a wakeup call to those that do not.” Indeed, the coalition letter emphasized this point. “Much as we believe that the programs at or organized by Title VI-funded Middle East studies centers are unbalanced and biased efforts at indoctrination—to the point that they fail to adhere to basic academic norms,” the coalition wrote, “It is not our intention, or Congress’ role, to silence those perspectives.” Rather, the groups explained, “it is, however, imperative that steps be taken to ensure that Title VI grant recipients comply with the “diverse perspectives and a wide range of views” requirement and not promote a monochromatic view on the issues with which their Title VI-funded programs deal.

The full text of the letter can be found below:

January 24, 2018

The Hon. Lamar Alexander
Chairman, Senate HELP Committee
455 Dirksen Senate Office Building
Washington, DC 20510

The Hon. Patty Murray
Ranking Member, Senate HELP Committee
154 Russell Senate Office Building
Washington, DC 20510

Re: Amendments to Title VI of the HEOA as adopted by House Committee on Education and the Workforce

Dear Senator Alexander and Senator Murray:

We write on behalf of fourteen Jewish, educational, and civil rights organizations in support of the House Committee on Education and the Workforce-passed version of Title VI of H.R. 4508, the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act, which seeks to reauthorize the Higher Education Opportunities Act (HEOA).

Our groups are concerned that federal funds under Title VI of the HEOA are being misused to promote biased, one-sided, and anti-Israel programming in our nation's Middle East studies centers. Congress sought to address this problem in 2008 by requiring that each recipient "reflect diverse perspectives and a wide range of views," among other provisions. Nonetheless, many recipients of Title VI funds continue to support Middle East studies programs that provide only a monochromatic—and biased, anti-American, and anti-Israel—perspective.

To help solve these systemic problems and ensure taxpayer funds are spent properly, we urge the Senate HELP Committee to (a) approve those sections of Title VI of the PROSPER Act as adopted by the House Committee, as outlined below, and in addition, (b) define key terms necessary for enforcement, as well as (c) require the Department of Education to revise its scoring standards for Title VI applications.

Background

Title VI of the HEOA came into existence to (1) strengthen U.S. security by training students as national security specialists and (2) educate the public on international affairs. Today, Title VI provides federal funds to National Resource Centers (NRC) at 100 institutions of higher education nationwide, including the 16 programs that include Middle East studies.

These centers are obligated to conduct "public outreach" programs for K-12 teachers, educators, and the public with their Title VI funds. During the 2008 reauthorization, Congress stipulated

that “grants should be made ... on the condition that” applicants describe how the program “will reflect diverse perspective and a wide range of views and generate debate on world regions and international affairs.”

While we would have thought that Congress’ intention in 2008 to assure that programs funded under Title VI present diverse points of view—not only diversity as to the identity of instructors or as to their respective disciplines—was clear, the Department of Education (ED) has failed to adequately apply the “diverse perspectives and a wide range of views” requirement, and many universities have ignored this requirement.

Although the HEOA was set to expire in 2013, annual Congressional extensions have kept it funded. ED made an incremental improvement in December 2015 by requiring recipients’ annual spring reports to detail how their programs ensure that diverse perspectives and a wide range of views are represented. But no meaningful efforts have been made to hold universities accountable for their use of Title VI funds.

Current Problems

It remains the case that many programs funded under Title VI do not serve the program’s basic objectives of advancing the interests of American national security and foreign relations. They often exclude scholars with diverse perspectives and stifle discourse on critical issues. The biased learning environment that results suppresses the academic freedom of students and faculty; at some institutions, students are afraid to disagree with their professors.

Over the decades, biased professors have leveraged Title VI funds to cement their control over both their programs and the Middle East Studies Association (MESA), the principal academic organization for scholars of the region. MESA is no longer a catalyst for balanced, objective scholarship. Instead it now empowers an intellectually corrupt elite and encourages polemical politicized work that has transformed Middle East studies centers into a source of anti-American and anti-Israel propaganda.

These biases have harmed America’s national security. For example, the unwarranted (and one-sided) focus on Israel by centers of Middle East studies has led them to either ignore or understate the impact of the Syrian revolt against Assad and the rise of ISIS, and to ignore or understate the expansion of Iranian hegemony in Iraq, Syria, Lebanon, Yemen, and Afghanistan. These analytical failures cost America both lives and billions of dollars. These and other policy prescriptions based on inaccurate, ahistorical, and tendentious recommendations from professors damage U.S. credibility, undermine our allies, and weaken our ability to fight terrorism at home and abroad.

Such systemic weaknesses also affect the general populace. Title VI centers’ obligatory “public outreach” efforts funnel politicized materials to K-12 teachers, educators, and the public. Consequently, students too young to recognize biases are indoctrinated and arrive at college predisposed to accept politicized interpretations of the Middle East.

In short, Title VI-funded Middle East centers have failed to comply with federal law by using taxpayer dollars to support programs that do not represent a balance of views and diverse perspectives.

Recommendations

Much as we believe that the programs at or organized by Title VI-funded Middle East studies centers are unbalanced and biased efforts at indoctrination—to the point that they fail to adhere to basic academic norms—it is not our intention, or Congress’ role, to silence those perspectives. It is, however, imperative that steps be taken to ensure that Title VI grant recipients comply with the “diverse perspectives and a wide range of views” requirement and not promote a monochromatic view on the issues with which their Title VI-funded programs deal. To that end, we urge that the Senate, in considering reauthorization of HEOA:

- Adopt the reforms to Title VI of the HEOA, as approved by the House Committee on Education and the Workforce in the PROSPER Act, as follows:
 - **Sec. 601** (Amends Section 602 (20 U.S.C. §1122) of the HEOA): **APPROVAL.**—The Secretary may approve an application for a grant if an institution, in its application, provides adequate assurances that it will comply with paragraph (1)(A). The Secretary shall use the requirement of paragraph (1)(A) as part of the application evaluation, review, and approval process when determining grant recipients for initial funding and continuation awards.
 - **Sec. 604** (Amends Section 636 (20 U.S.C. §1132-5) of the HEOA): **ANNUAL REPORT ON COMPLIANCE WITH DIVERSE PERSPECTIVES AND a WIDE RANGE of VIEWS REQUIREMENT.**—Not later than 180 days after the date of the enactment of this subsection, and annually thereafter, the Secretary shall submit to the authorizing committees a report that identifies the efforts taken to ensure recipients' compliance with the requirements under this title relating to the 'diverse perspectives and a wide range of views' requirement, including any technical assistance the Department has provided, any regulatory guidance the Department has issued, and any monitoring the Department has conducted. Such report shall be made available to the public.
 - **Sec. 629** (added by a voice vote): **COMPLIANCE WITH DIVERSE PERSPECTIVES AND A WIDE RANGE OF VIEWS.**—When complying with the requirement to offer a diverse perspective and a wide range of views, grantees shall not promote any biased views that are discriminatory towards any group, religion, or population of people.
- Require ED to clarify the diverse perspectives requirement and have Congress adopt the following definition: “In addition to any other definitions the Secretary, through the rule-making process, may require, the diverse perspectives requirement means that the activities funded by the grant must present, encourage and disseminate a range of

positions, analyses and assessments on world regions and international affairs.”

- Require ED to score Title VI applications and adopt the following definition of scoring by adding the bracketed language after the word affairs in 20 U.S.C. § 1122(e)(1) of the HEOA: “(1) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs [which explanation shall be treated as a factor to be scored under 34 CFR part 656, or any succeeding regulation setting forth criteria for evaluation, as part of the Secretary’s evaluation of an application for a center or program to receive a grant under this section].”

Thank you for your consideration of our views on the urgent need for corrective measures to rectify a long history of ED inaction on this critical matter.

Respectfully signed,

Academic Council for Israel
AMCHA Initiative
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American Council of Trustees and Alumni (ACTA)
American Jewish Committee (AJC)
B’nai B’rith International
Endowment for Middle East Truth (EMET)
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Simon Wiesenthal Center
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The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts university, the Kentucky law school, nor any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.