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EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
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February 7, 2024

Ms. Penny Pritzker  
Senior Fellow  
Harvard Corporation  
Massachusetts Hall Cambridge, MA 02138

Dr. Alan Garber  
Interim President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dear Ms. Pritzker and Dr. Garber:

The Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of virulent and widespread antisemitism in postsecondary education. The Committee has sought to obtain information regarding Harvard's response to the numerous incidents of antisemitism on its campus and steps taken to protect Jewish students, faculty, and staff. Harvard's responses have been grossly insufficient, and the limited and dilatory nature of its productions is obstructing the Committee's efforts. This is not surprising, given Harvard's similarly limited and unhelpful responses to the Committee's inquiries of Harvard's handling of allegations of plagiarism by then-President Claudine Gay.<sup>1</sup> If Harvard continues to fail to comply

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<sup>1</sup> On December 20, 2023, the Committee notified Harvard that it had initiated oversight of the school's handling of credible allegations of plagiarism against the university's then-president, Dr. Claudine Gay. The deadline to produce responsive documents was Friday, December 29. On December 22, 2023, Harvard's counsel from WilmerHale informed the Committee that Harvard anticipated "beginning to provide information" on January 12, 2024. The Committee granted an extension until January 8, 2024. On January 8, attorneys at King & Spalding introduced themselves as Harvard's new counsel but declined to provide any timeline for production of the documents due that day. On Friday, January 12, 2024, Harvard failed to provide any of the documents prioritized by the Committee or share a timeline for their production. The Committee informed Harvard it would issue a subpoena if priority items were not provided by 5:00 p.m. on Friday, January 19. As a result, Harvard produced over 800 pages of publicly available documents containing numerous redactions and omissions that have impeded the Committee's

with the Committee's requests in a timely manner, the Committee will proceed with compulsory process.

Harvard and two of the law firms that have represented it repeatedly have stated they would cooperate with the Committee's antisemitism investigation, including Interim President Garber's recent statement that Harvard would "comply fully with the process."<sup>2</sup> However, Harvard's actions have fallen far short of its commitments, producing mostly publicly available documents, while failing to turn over documents specified by the Committee and making inappropriate and inexplicable redactions.

On **December 7, 2023**, the Committee announced it was opening a formal investigation into Harvard's failure to respond to antisemitism on its campus.<sup>3</sup> On **December 15, 2023**, the Committee sent Harvard a preservation notice encompassing 21 categories of documents and communications.<sup>4</sup>

On **Tuesday January 9, 2024**, the Committee informed Harvard that it had initiated a formal congressional investigation into its response to an outbreak of antisemitic incidents on its campus and requested the production of 24 specific categories of documents that would enable the Committee to assess Harvard's response and the fulfillment of its Title VI obligations. These documents and communications are necessary to inform the Committee's consideration of potential legislation concerning antisemitism at postsecondary institutions. The January 9, 2024, letter provided Harvard with a two-week deadline for the production of responsive documents, many of which Harvard should have identified and preserved to comply with the December 15, 2023, document preservation request. **Later that day**, Harvard's counsel requested that the Committee accommodate a rolling multi-week document production process and claimed that more time was needed for counsel to understand what documents and materials existed. Committee staff communicated my expectation that Harvard must produce a substantial initial production by the **January 23, 2024**, deadline.

To assist Harvard in complying with the Committee's request, on **January 10, 2024**, Committee staff identified three priorities for this initial production: (1) to produce "items 9, 10, and 11 (Harvard Corporation, Board of Overseers, and Harvard Management Company meeting minutes/summaries)" by the January 23 deadline; (2) to "provide a substantial initial production for item 6 [findings and results of disciplinary processes, changes in academic status, and personnel actions] by 1/23/24, prioritizing responsive documents from since 10/7/23;" and (3) "a substantial initial production for item 1 [reports of antisemitic acts or incidents and related

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investigation. To this day, Harvard has neither identified the Independent Panel members, nor has it provided any way for the Committee to verify whether the members had conflicts of interest that could have prevented them from reaching an independent conclusion.

<sup>2</sup> Emma Haidar and Cam Kettles, *Harvard President Garber Slams 'Pernicious' Campus Antisemitism*, THE HARVARD CRIMSON (Feb. 1, 2024), <https://www.thecrimson.com/article/2024/2/1/garber-antisemitism-campus-censorship>.

<sup>3</sup> Press Release, House Committee on Education & the Workforce, *Foxx Announces Formal Investigation into Harvard, UPenn, and MIT* (Dec. 7, 2023), <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=409851>.

<sup>4</sup> E-mail from Committee Counsel to Harvard University (Dec. 15, 2023, 1:00PM).

documents and communications] by 1/23/24, prioritizing responsive documents since 10/7/23.”<sup>5</sup> The Committee selected these priority items not only because of their significance but also because Harvard should have been able to fulfill them by the deadline. Instead, Harvard failed to provide *any* nonpublic documents in its initial production.

On **January 23**, Harvard provided more than a thousand pages of student handbooks, university rules, and letters from external stakeholders. *Every* document in this production was publicly available in *unredacted* form. Yet, these documents contained numerous bewildering redactions, even going so far as to redact the name of the CEO of the Anti-Defamation League from his signing of a public letter.<sup>6</sup> The Committee warned Harvard that this production was “woefully inadequate” and “unacceptable” and that the university “must produce the remaining documents in a timely manner, or risk compulsory measures.”<sup>7</sup>

On **Monday, January 29**, Harvard responded to the Committee’s priority requests for all “meeting minutes and/or summaries, whether formal or informal” from the Harvard Corporation, Harvard Board of Overseers, and Harvard Management Company within specified timeframes by producing four short documents of select board minutes from the October 13th, 19th, 23rd, and November 6th Harvard Corporation meetings. The three from October 2023 each contain only a single identical sentence describing their substance: that the meeting featured “discussion of recent developments on campus and in the broader University community related to the war in Israel and Gaza.”<sup>8</sup> The November document is heavily redacted, with more than two of three pages of content concealed on the grounds that “it does not relate to antisemitism,” despite the Committee’s request not being limited in such manner.<sup>9</sup> The unredacted content states that “[o]ver lunch, President Gay introduced a discussion of other matters of importance” which “centered on the continuing campus impacts of the war in Israel and Gaza.” The word “antisemitism” is never mentioned, nor do the documents indicate which community was affected by those “recent developments” and “campus impacts.”<sup>10</sup>

Harvard also failed to produce *any* of the meeting minutes and/or summaries from the Harvard Board of Overseers and Harvard Management Company, claiming that “after a reasonable search and review to date, Harvard has not identified meeting minutes in connection with Request 10 or 11 in your letter that relate or refer to antisemitism or the war in Israel or Gaza, for either the Board of Overseers or the Management Company since October 7, 2023.”<sup>11</sup> The Committee’s requests did not contain any limitations of scope justifying these omissions and redactions, as it requested “all...meeting minutes and/or summaries, whether formal or informal”

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<sup>5</sup> E-mail from Committee Staff to King & Spalding (Jan. 11, 2024, 10:22AM).

<sup>6</sup> ADL and Brandeis Center Letter to Presidents of Colleges and Universities, Anti-Defamation League (Oct. 25, 2023), <https://www.adl.org/resources/letter/adl-and-brandeis-center-letter-presidents-colleges-and-universities>.

<sup>7</sup> Press Release, House Committee on Education & the Workforce, Foxx Slams Harvard for “Woefully Inadequate” Response to Antisemitism Probe (Jan. 23, 2024), <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=410022>.

<sup>8</sup> Harvard Corporation Meeting Minutes (Oct. 13, 2023).

<sup>9</sup> Harvard Corporation Meeting Minutes (Nov. 7, 2023).

<sup>10</sup> Corporation Minutes, *supra* note 8.

<sup>11</sup> Letter from Harvard to House Committee on Education & the Workforce (Jan. 29, 2024).

within specified date ranges.<sup>12</sup> Given the publicly documented antisemitism on Harvard's campus, especially since the October 7 attacks, it would be shocking if the Board of Overseers and Harvard Management Company thought protecting Harvard's Jewish students was so insignificant that the topic was not worthy of discussion at a single meeting.

To date, Harvard has produced only one document of significance in response to the Committee's request: a December 18, 2023, set of recommended goals and steps to address antisemitism by Harvard's Antisemitism Advisory Group, provided on **February 2, 2024**. Harvard submitted this document only after being specifically requested to do so by the Committee.

### ***Harvard Must Comply With the Committee's Requests or Face Compulsory Process***

Since former-President Gay's disastrous testimony at the Committee's hearing in December 2023, Harvard, the world's wealthiest university, has been represented by some of the largest and most renowned law firms in America.

Somehow, almost two months after the Committee first informed Harvard of its intent to request production of specific documents, and a month after the Committee provided particularized requests, Harvard provided only a single meaningful document to the Committee in its antisemitism investigation.

Harvard's failure to produce documents requested by the Committee in a timely manner is unacceptable and will not be tolerated. Please provide the following documents and communications by 5:00 PM on Wednesday, February 14, 2024:

1. All Harvard Corporation, Board of Overseers, and Harvard Management Company meeting minutes and/or summaries, whether formal or informal, since 10/7/23;
2. All documents and communications since January 1, 2021, referring and/or relating to antisemitism, involving the Harvard Corporation and Harvard Board of Overseers (including all fellows and members). This includes e-mails, text and/or other electronic messages, as well as any documents provided or exchanged through any medium;
3. Documents sufficient to show the findings and results of any disciplinary processes, changes in academic status, or personnel actions by Harvard towards Harvard students, employees, and other Harvard affiliates related to conduct involving the targeting of Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021. These documents must include all necessary information relating to the incidents referenced in the Committee's January 9, 2024, letter, as well as any other incidents;<sup>13</sup>

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<sup>12</sup> Letter from House Committee on Education & the Workforce to Harvard (Jan. 9, 2024), [https://edworkforce.house.gov/uploadedfiles/1.9.24\\_foxx\\_letter\\_to\\_pritzker\\_and\\_garber.pdf](https://edworkforce.house.gov/uploadedfiles/1.9.24_foxx_letter_to_pritzker_and_garber.pdf).

<sup>13</sup> Numerous such incidents are enumerated in item 15, and outlined in the body of the letter.

4. All documents and communications referring and/or relating to the establishment of the President's Task Force on Antisemitism, as well as documents sufficient to show all dates, times, and attendees of meetings of Harvard's Antisemitism Advisory Group; and documents sufficient to show the responses and reactions to any findings and recommendation of the Antisemitism Advisory Group by the President, Provost, deans of Harvard's various schools, and staff of the aforementioned university officials.

If the above priority requests are left unfulfilled by the deadline set above, the Committee is prepared to issue a subpoena.

Congress' oversight powers are derived from the U.S. Constitution and have been repeatedly affirmed by the United State Supreme Court.<sup>14</sup> Under House Rule X, the Committee has legislative and oversight jurisdiction over "education or labor generally."<sup>15</sup> If you have any questions about this request, please contact the Committee at 202-225-4527.

Sincerely,



Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce

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<sup>14</sup> See generally U.S. CONST. art. I, § 8, cl. 8; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function"); *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975) (holding that "the power to investigate is inherent in the power to make laws"); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that "the scope of power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").

<sup>15</sup> Rules of the House of Representatives: One Hundred Eighteenth Congress, U.S. HOUSE OF REP. 7 (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.