

# 2025

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Our reference: OTP-CR-286/20

The Hague, 1 June 2020

Dear Sir, Madam

The Office of the Prosecutor of the International Criminal Court acknowledges receipt of your documents/letter.

This communication has been duly entered in the Communications Register of the Office. We will give consideration to this communication, as appropriate, in accordance with the provisions of the Rome Statute of the International Criminal Court.

Please note this acknowledgement letter does not mean an investigation has been opened, nor that an investigation will be opened by the Office of the Prosecutor.

As soon as a decision is reached, we will inform you, in writing, and provide you with reasons for this decision.

Yours sincerely,

Mark P. Dillon  
Head of Information & Evidence Unit  
Office of The Prosecutor

Kursat Christoff Pekgoz  
pekgoz@usc.edu



Notre référence : OTP-CR-286/20

La Haye, le 1er juin 2020

Madame, Monsieur,

Le Bureau du Procureur de la Cour pénale internationale accuse réception de vos documents / de votre lettre.

Les informations y figurant ont été inscrites comme il se doit au registre des communications du Bureau et recevront toute l'attention voulue, conformément aux dispositions du Statut de Rome de la Cour pénale internationale.

Veuillez noter que cet accusé de réception ne signifie en aucun cas qu'une enquête a été ou sera ouverte par le Bureau du Procureur.

Nous ne manquerons pas de vous communiquer par écrit la décision qui aura été prise à ce sujet, ainsi que les motivations qui la justifient.

Veuillez agréer, Madame, Monsieur, l'assurance de notre considération distinguée.

A handwritten signature in black ink, appearing to read 'M.P. Dillon', with a horizontal line underneath.

Mark P. Dillon  
Chef de l'Unité des informations et des éléments de preuve  
Bureau du Procureur

Kursat Christoff Pekgoz  
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## AMENDED COMPLAINT

COVID-19: HUMAN ENDANGERMENT (CHINA-ISRAEL)  
IDEOLOGICAL CENSORSHIP IN THE UNITED STATES  
ETHNIC DISCRIMINATION & NEPOTISM  
ONGOING SUPPORT FOR ICC  
24 JUNE 2020

### GRAVAMEN

1. Upon review of scientific literature and public evidence, I conclude that COVID-19 is a synthetic virus originating from the Wuhan Institute of Virology. I conclude that there exists overwhelming evidence of microbiological manipulation, while further analysis is necessary to examine nanotechnological manipulation. I argue that the circumstances leading to the release of COVID-19 constitute violations of international law, as enshrined in the Rome Statute<sup>1</sup> and various conventions of the United Nations.<sup>2,3</sup>
2. I argue that there exists some degree of criminal collusion between China and Israel in the synthesis and release of COVID-19. I raise various concerns about ideological surveillance and ethnic nepotism in the United States, wherefore the United States is neither able nor willing to investigate itself even concerning matters that involve the welfare of the human race. I submit this document to the International Criminal Court (ICC), while also notifying various correspondents.

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<sup>1</sup> <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

<sup>2</sup> <https://undocs.org/A/RES/72/43>

<sup>3</sup> <https://undocs.org/A/RES/72/71>

## COVID-19: HUMAN ENDANGERMENT (CHINA-ISRAEL)

3. There is evidence to suggest that Israeli and Chinese actors played a joint part in the development of COVID-19, which has caused an enormous number of civilian deaths and financial collapse worldwide.<sup>4</sup> As of 20 June 2020, 460,000+ civilians have lost their lives because of COVID-19.<sup>5</sup> According to the World Bank, global economy is expected to shrink by %5.2 and the recession is as severe as the circumstances of World War II.<sup>6</sup> According to the World Health Organization, the mortality rate is %3.4.<sup>7</sup> Survivors often suffer damage to the vital organs.<sup>8</sup>
4. Charles Lieber, a Harvard professor, is currently under FBI arrest. As per his arrest warrant and federal indictment, he sold sensitive biological materials and technology to scientific facilities in the province of Wuhan.<sup>9,10,11</sup> The circumstances suggest that Lieber betrayed sensitive biomedical secrets to China, with the objective of augmenting China's bioweapons. He did so out of a lowly motive, i.e. greed. There is historical and legal precedent for imposing the death penalty for such superlative treason.<sup>12</sup>
5. Charles Lieber, who is Jewish and maintains ties with Israel,<sup>13</sup> has been working on technology that is both sophisticated *and* dangerous throughout his

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<sup>4</sup> <https://www.worldbank.org/en/news/press-release/2020/06/08/covid-19-to-plunge-global-economy-into-worst-recession-since-world-war-ii>

<sup>5</sup> <https://www.worldometers.info/coronavirus/?zarsrc=130>

<sup>6</sup> <https://www.worldbank.org/en/news/press-release/2020/06/08/covid-19-to-plunge-global-economy-into-worst-recession-since-world-war-ii>

<sup>7</sup> <https://www.worldometers.info/coronavirus/coronavirus-death-rate/#who-03-03-20>

<sup>8</sup> <https://www.mdlinx.com/article/covid-19-damage-found-in-multiple-organ-systems/7aEtHY8SPWz1Nutsg7nhf>

<sup>9</sup> <https://www.justice.gov/opa/press-release/file/1239796/download>

<sup>10</sup> <https://www.justice.gov/opa/pr/harvard-university-professor-and-two-chinese-nationals-charged-three-separate-china-related>

<sup>11</sup> <https://www.justice.gov/opa/pr/harvard-university-professor-indicted-false-statement-charges>

<sup>12</sup> <https://www.latimes.com/la-oe-radosh17-2008sep17-story.html>

<sup>13</sup> <https://news.harvard.edu/gazette/story/2012/01/professor-charles-lieber-receives-israels-wolf-prize/>

academic career. According to an article published in the *Nature* journal, Lieber was working on a project that “focused at the interface between the nervous system and electronics” (October 2019).<sup>14</sup> The president of Harvard University, who has administrative oversight over such matters, is also Jewish.<sup>15</sup>

6. “The next frontier is really the merging of human cognition with machines,” according to an associate of Lieber. Lieber’s research allows nanotechnological instruments to transmit information from the human brain to an external device. “You could really communicate with the brain in the same way that the brain is communicating with itself,” according to Lieber himself.<sup>16</sup>

7. According to World Health Net, one of Lieber’s projects involved “being able to send signals to an immune cell within the human body to generate antibodies ... While this may seem like it comes out of science fiction horror movies, this fictional possibility has taken a step closer towards becoming science fact reality with the development of bio-compatible transistors *that are about the size of a tiny virus*” (italics added).<sup>17</sup>

8. Another example comes from a study Lieber completed together with a team of Chinese scientists. The abstract of the paper states, “new tools for intracellular electrophysiology that push the limits of spatiotemporal resolution while reducing invasiveness could provide a deeper understanding of electrogenic cells and their networks in tissues, and push progress towards human-machine interfaces.”<sup>18</sup>

9. To paraphrase, Lieber was working on developing miniscule instruments that could interpret the electronic signals between nerve cells and transmit them to an external device, in the highest resolution possible and in the least invasive method possible. This can be summarized as, “data theft from the human

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<sup>14</sup> <https://www.nature.com/articles/s41587-019-0234-8#change-history>

<sup>15</sup> <https://www.timesofisrael.com/harvards-jewish-president-wants-to-restore-faith-in-higher-education/>

<sup>16</sup> <https://www.sciencedaily.com/releases/2019/09/190905094048.htm>

<sup>17</sup> <https://www.worldhealth.net/news/virus-sized-transistors/>

<sup>18</sup> <https://www.nature.com/articles/s41565-019-0478-y>

brain.” This technology raises *deeply troubling* questions about ethics, such as privacy and human endangerment.

10. The Wuhan Institute of Virology (WIV) has conducted research to encapsulate nanoparticles with compatible surface coatings, while experimenting with a wide variety of viruses for optimization purposes (*Li et al.*, April 2019).<sup>19</sup> The general aim of this study was to create synthetic virions indistinguishable from natural pathogens, capable of delivering their cargo into the host cells in the least intrusive manner possible.

11. Lieber et al. used nanowires that are around 15 nanometers in diameter, while Li et al. used gold-based nanoparticles (AuNPs) that are only around 5 nanometers in diameter. COVID-19 itself is 60-140 nanometers in diameter.<sup>20</sup>

12. There are various transmission electron microscope (TEM) images of COVID-19 available online.<sup>21,22</sup> However, the resolution of these images is not high enough to determine whether COVID-19 bears the mark of nanotechnological manipulation. It is necessary to study COVID-19 under an electron microscope that is powerful enough to examine atomic arrangements, such as TEAM 0.5 or Titan 80-300.<sup>23</sup>

13. No journal has yet published any articles to consider the possible impact of Lieber’s nanotechnological research in the genesis and dissemination of COVID-19. To repeat, Lieber sought to create non-invasive bio-transmitters that imitated natural viruses<sup>24</sup> or natural neural tissues.<sup>25</sup>

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<sup>19</sup> <https://pubs.acs.org/doi/10.1021/acs.nanolett.9b00679>

<sup>20</sup> <https://www.ncbi.nlm.nih.gov/books/NBK554776/>

<sup>21</sup> <https://www.cdc.gov/media/subtopic/images.htm>

<sup>22</sup> <https://www.microscopeworld.com/p-4317-covid-19-under-the-microscope.aspx>

<sup>23</sup> <https://www.sciencefocus.com/science/what-is-the-most-powerful-microscope/>

<sup>24</sup> [https://cml.harvard.edu/assets/Harvard%20Magazine\\_Virus-Sized%20Transistors\\_Jan-Feb2011.pdf](https://cml.harvard.edu/assets/Harvard%20Magazine_Virus-Sized%20Transistors_Jan-Feb2011.pdf)

<sup>25</sup> <http://cml.harvard.edu/assets/Advanced-One-and-Two-Dimensional-Mesh-Designs-for-Injectable-Electronics.pdf>

14. COVID-19 displays exotic viral behavior, such as multi-system inflammatory syndrome<sup>26</sup> and relapse after convalescence<sup>27</sup> and intensive thrombosis.<sup>28</sup> Researchers have found that when rats inhale nanoparticles, the particles settle in the brain and lungs – leading to significant increase in inflammation.<sup>29</sup> Such topical, persistent inflammation is consistent with the symptoms of COVID-19. Moreover, nanoparticles can replicate themselves<sup>30</sup> – just like prions and viruses.
15. According to Yanmin Long, a scientist from the Jiangnan University at Wuhan,<sup>31</sup> the negative effects of engineered nanoparticles (NPs) in living organisms include immunotoxicity, respiratory arrest, and neurotoxicity. Such particles can penetrate into cardiac and cerebral tissue.<sup>32</sup>
16. There is emerging evidence to suggest that COVID-19 generally targets neuron cells.<sup>33,34</sup> While it is an airborne virus, its apparent objective is to infect the nervous system via blood circulation. This behavior is *unique* among the SARS family: “a respiratory virus infecting blood cells and circulating through the body is virtually unheard of. Influenza viruses like H1N1 are not known to do this, and the original SARS virus, a sister coronavirus to the current infection, did not spread past the lung.”<sup>35</sup>
17. On a *prima facie* basis, this exotic viral behavior seems consistent with Lieber’s methodology: to develop a highly infective bioweapon (airborne transmission) with the ultimate objective of infesting the nervous system. The

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<sup>26</sup> <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/mis-c.html>

<sup>27</sup> [https://www.ijidonline.com/article/S1201-9712\(20\)30122-3/pdf](https://www.ijidonline.com/article/S1201-9712(20)30122-3/pdf)

<sup>28</sup> [https://www.nejm.org/doi/full/10.1056/NEJMoa2015432?query=featured\\_home](https://www.nejm.org/doi/full/10.1056/NEJMoa2015432?query=featured_home)

<sup>29</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3387329/>

<sup>30</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2527661/>

<sup>31</sup> <https://loop.frontiersin.org/people/865154/overview>

<sup>32</sup> [https://www.researchgate.net/publication/308549894\\_Toxicity\\_of\\_Engineered\\_Nanoparticles\\_to\\_Fish\\_Biophysicochemical\\_Processes\\_and\\_Toxicity](https://www.researchgate.net/publication/308549894_Toxicity_of_Engineered_Nanoparticles_to_Fish_Biophysicochemical_Processes_and_Toxicity)

<sup>33</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7146689/>

<sup>34</sup> <https://www.news-medical.net/news/20200521/COVID-19-may-damage-the-central-nervous-system.aspx>

<sup>35</sup> <https://elemental.medium.com/coronavirus-may-be-a-blood-vessel-disease-which-explains-everything-2c4032481ab2>

complexity of nanotechnology allows for this possibility, especially given the particulars of Charles Lieber's research.

18. WIV has been developing virions that can deliver nanoparticles. However, even if COVID-19 itself does not carry nanoparticles per se, the absence of nanotechnological manipulation does not disprove microbiological manipulation. There are multiple orders of magnitude between nanotechnological and microbiological manipulation. Molecular biologists manipulate genetic material without use of nanotechnology on a routine basis. Laboratories can already create bacteria from scratch,<sup>36</sup> and bacteria are more complex and advanced than viruses.

19. There has been initial confusion about the origins of the virus, in part due to the disinformation campaigns of China and in part due to ideological censorship in the United States (discussed below). China's earliest claim was that COVID-19 emerged from a seafood market adjacent to Wuhan's virology labs.

20. The myth that the virus emerged from the "wet market" defies reason. *Wall Street Journal* noted that the physical proximity of the Wuhan Institute of Virology (WIH) makes this theory highly improbable.<sup>37</sup> Wuhan has the *only* Level 4 microbiology lab equipped to handle deadly betacoronaviruses in China.<sup>38</sup> The wet market does not sell either bats or pangolins, which eliminates the possibility of the zoonotic transmission theory.<sup>39</sup>

21. The wet market is within ~12.3 km of the Wuhan Institute of Virology (WIV).<sup>40</sup> If we map the circular area which has the Institute at its epicenter, with a radius of ~12.3 km, we would cover an area of ~475 square kilometers

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<sup>36</sup> <https://www.nature.com/articles/d41586-018-07289-x>

<sup>37</sup> <https://www.wsj.com/articles/the-wuhan-lab-theory-11588806940>

<sup>38</sup> <https://nypost.com/2020/02/22/dont-buy-chinas-story-the-coronavirus-may-have-leaked-from-a-lab/>

<sup>39</sup> <https://www.wsj.com/articles/coronavirus-and-the-laboratories-in-wuhan-11587486996>

<sup>40</sup> <https://ibb.co/qyHKgKN>

(possible impact zone). China has a total ground area of ~9,600,000 square kilometers. The possible impact zone is only ~0.00005% of China's total area.

22. However, there are research sites that are even closer to the wet market. The Wuhan Center for Disease Control and Prevention (WCDPCP) is ~7000 meters away from the seafood market.<sup>41</sup> The Wuhan Jiangnan Health Inspection Institute (WJHII) is only 1400 meters away from the market.<sup>42</sup> In the lattermost scenario, the possible impact zone is only  $\sim 1.6 \times 10^{-7}$  of China's total area.

23. The Wuhan University of Technology (WUT) is another possible origin site. WUT procured Lieber's research through illegal means and maintains research centers compatible with potential bioweapon development, including nanotechnology.<sup>43</sup> The distance between WUT and WIV is ~5600 m.<sup>44</sup>

24. This mathematical evidence alone would have been strong enough to shift the burden upon China to *disprove* the laboratory origins of COVID-19. However, there is additional evidence to dispel any lingering ambiguity. According to a public document which has compiled and examined various forms of open source intelligence, including unique device analysis and traffic concentration, WIV is indeed the source of the virus. The release seems to have occurred sometime between October 6 and October 11.<sup>45</sup>

25. WIV posted a job opening for scientists investigating the relationship between coronavirus and bats circa November 2019.<sup>46</sup> WIV admits that there are at least three live strains of betacoronavirus (bat virus) *in situ*. WIV also acknowledges that it has been isolating and obtaining betacoronaviruses since

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<sup>41</sup> <https://ibb.co/PTqyzGz>

<sup>42</sup> <https://ibb.co/zfPFq6v>

<sup>43</sup> [http://english.whut.edu.cn/scientific/IRR/201001/t20100105\\_1248.htm](http://english.whut.edu.cn/scientific/IRR/201001/t20100105_1248.htm)

<sup>44</sup> <https://ibb.co/vv6jPkC>

<sup>45</sup> <https://assets.documentcloud.org/documents/6884792/MACE-E-PAI-COVID-19-ANALYSIS-Redacted.pdf>

<sup>46</sup> <https://www.nationalreview.com/2020/04/coronavirus-china-trail-leading-back-to-wuhan-labs/>

2004.<sup>47</sup> Likewise, WDCDCP has stored betacoronaviruses before<sup>48</sup> and hosted horseshoe bats before.<sup>49</sup> The scientists at WIV conducted past research that involved the creation of recombinant betacoronaviruses, with the objective of boosting infectivity among mice and humans.<sup>50,51</sup>

26. Some scientists maintain an agnostic position concerning the origins of COVID-19. The prestigious journal, *Nature*, published an article about COVID-19 (2 March 2020). This article focuses on nomenclature. The article also states that COVID-19 is *not* a descendent of SARS-CoV and makes no definitive claims about its origins or mode of transmission, i.e. “the introduction of each of these viruses into humans was likely facilitated by independent unknown external factors.”<sup>52</sup>

27. A more recent *Nature* article is also agnostic about COVID-19’s origins and calls for a comprehensive inquiry: “*No bat viruses found so far are similar enough to SARS-CoV-2 to be a direct ancestor ... the lab does hold coronaviruses related to SARS-CoV-2, so it is possible that one could have escaped ... It is also theoretically possible that scientists at the lab tweaked the virus’s genome for research purposes ... viruses, including SARS, have previously accidentally escaped from labs, including in China ... determining whether the lab had anything to do with the virus will require a forensic investigation.*”<sup>53</sup>

28. An increasing number of experts have been questioning the “wet market” myth. One of the earliest critics was Jamie Metz, a World Health Organization advisor who believes that COVID-19 is of synthetic origin.<sup>54,55</sup> He has spelled

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<sup>47</sup> <https://nypost.com/2020/05/24/wuhan-lab-admits-to-having-three-live-strains-of-bat-coronavirus/>

<sup>48</sup> <https://www.independentsciencenews.org/health/the-case-is-building-that-covid-19-had-a-lab-origin/>

<sup>49</sup> [https://project-evidence.github.io/#%28part.\\_whcdc-bats%29](https://project-evidence.github.io/#%28part._whcdc-bats%29)

<sup>50</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/>

<sup>51</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1769406/>

<sup>52</sup> <https://www.nature.com/articles/s41564-020-0695-z>

<sup>53</sup> <https://www.nature.com/articles/d41586-020-01541-z>

<sup>54</sup> <https://www.youtube.com/watch?v=hiC9Jl3CcqY>

<sup>55</sup> <https://www.nationalreview.com/news/who-adviser-says-its-likely-coronavirus-leaked-from-lab-slams-trump-admin-response-to-pandemic/>

out his theory in greater analytical detail on his personal website, while quoting an evolving literature about this topic.<sup>56</sup>

29. Two scientists from China, Botao Xiao and Lei Xiao, arrived at the conclusion that COVID-19 originates from the Wuhan laboratories in a formal paper (2 April 2020). They noted that there are no known colonies of intermediate horseshoe bats (the alleged host organism) within ~90 km of Wuhan, while also surveying 59 citizens at Wuhan precincts to confirm that there have never been any bats for sale at the wet market. This study was suppressed by the Chinese government.<sup>57</sup>

30. Luc Montagnier, who won the 2008 Nobel Prize in Medicine, was the next dissident. He gave public interviews, theorizing that COVID-19 has synthetic origins and most likely originates from the adjacent laboratory (16 April 2020).<sup>58</sup> He kept defending his theory despite initial resistance.<sup>59</sup>

31. Meanwhile, a coalition of non-partisan scientists published an open letter under the title, *Project Evidence* (16 April 2020). The coalition called for holding China accountable for COVID-19, while also spelling out the impossibility of the “wet market” myth in analytical detail (16 April 2020).<sup>60</sup> The coalition examines the critical safety failures of WIV, while developing a pandemic theory that can be summarized as “accidental release of premature/incomplete bioweapon.”

32. *Project Evidence* reveals that the scientists at Wuhan collected bat samples with improper PPE even after a scientist suffered an infectious bite.<sup>61</sup> They note that the United States State Department condemned the laboratory for

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<sup>56</sup> <https://jamiemetzl.com/origins-of-sars-cov-2/>

<sup>57</sup> <https://lifestyle.inquirer.net/360950/research-paper-by-chinese-scientists-shows-covid-19-came-from-wuhan-biolab/>

<sup>58</sup> <https://www.connexionfrance.com/French-news/Disputed-French-Nobel-winner-Luc-Montagnier-says-Covid-19-was-made-in-a-lab-laboratory>

<sup>59</sup> <https://www.gilmorehealth.com/luc-montagnier-insists-that-the-virus-came-out-of-a-lab-in-follow-up-interview/>

<sup>60</sup> <https://project-evidence.github.io/>

<sup>61</sup> [https://project-evidence.github.io/#%28part\\_lacking-ppe%29](https://project-evidence.github.io/#%28part_lacking-ppe%29)

inadequate safety protocols in a series of cable missives.<sup>62</sup> French specialists who were recruited to ensure safety protocols compliance at the WIV BSL-4 laboratory withdrew from the project, with one specialist describing the facility as a “*bacteriological atomic bomb.*”<sup>63</sup>

33. Papers arguing that COVID-19 (i.e. SARS-CoV-2) is a synthetic virus began to emerge in mainstream scientific journals some time after. Zhan et al. published an article on bioRxiv, where they explain that the pandemic virus “was already pre-adapted to human transmission to an extent similar to late epidemic SARS-COV (2 May 2020). However, *no precursors or branches of evolution stemming from a less human-adapted SARS-CoV-2-like virus has been detected.* The sudden appearance of a highly infectious SARS-CoV-2 presents a major cause for concern that should motivate stronger international efforts to identify the source.”<sup>64</sup> Zhan et al. also dismissed the “wet market” myth in definitive terms: “*the market samples are genetically identical to human SARS-CoV-2 isolates and were therefore most likely from human sources.*”<sup>65</sup>

34. I myself have a degree in molecular biology and genetics (Bilkent University) and I completed a biophysics internship at EMBL/Heidelberg, where I studied embryonic neuron development in *D. rerio*. I submitted an earlier version of this complaint to ICC on 26 May, and I received a letter of acknowledgement on 1 June.<sup>66</sup> I am the author of this amended complaint.

35. Moreover, *Daily Telegraph* published an article which interviews various scientists on this topic (1 June 2020). The article quotes Ronen Shemesh (Ph.D.) thus: “I believe that this is the only way an insertion like the FURIN protease cleavage site could have been introduced directly at the right place and become effective.” The article also quotes David Winkler, a biochemistry professor: “on the basis of the calculations we’ve done, you can’t exclude that it’s been processed through human cells in a biosecurity lab.” Nikolai Petrovsky, a

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<sup>62</sup> [https://project-evidence.github.io/#%28part.\\_cables%29](https://project-evidence.github.io/#%28part._cables%29)

<sup>63</sup> [https://project-evidence.github.io/#%28part.\\_french-collab%29](https://project-evidence.github.io/#%28part._french-collab%29)

<sup>64</sup> <https://www.biorxiv.org/content/10.1101/2020.05.01.073262v1.full>

<sup>65</sup> *Ibid.*

<sup>66</sup> Appendix 001.

professor of endocrinology, speculated that COVID-19 is “exquisitely adapted to infect humans.”<sup>67</sup>

36. Moreover, *Independent Science News* published an article which covers a series of precise arguments to explain how COVID-19 originates from the Wuhan laboratories (2 June 2020).<sup>68</sup> The authors of this article, Jonathan Latham (Ph.D.) and Allison Wilson (Ph.D.), were kind enough to answer my questions in minute detail.<sup>69</sup>

37. Moreover, another team published an article on Cambridge University Press, advancing the synthetic theory (2 June 2020). The authors are Birger Sorensen (senior virologist) and Angus Dalglish (professor of oncology). They call COVID-19 “a chimeric virus,” while observing that “there are unique inserts in the SARS-CoV-2 spike protein when they are aligned with other SARS-CoV sequences.” They argue that “the dual effect general method of action of this chimeric virus’s spike, including receptor binding domain, includes membrane components other than the ACE2 receptor, which explains clinical evidence of its infectivity and pathogenicity.”<sup>70</sup> Sorensen argues in general terms that the virus is synthetic.<sup>71</sup> Richard Dearlove, former chief executive of MI6, supports the theory.<sup>72</sup>

38. Moreover, Milton Leitenberg (scientist and arms control advocate) published an article on the *Bulletin of Atomic Scientists* to advance a

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<sup>67</sup> <https://www.dailytelegraph.com.au/coronavirus/scientists-say-covid19-cooked-up-in-lab/news-story/242c5f9fd14f162dea67f166bcabd985>

<sup>68</sup> <https://www.independentsciencenews.org/health/the-case-is-building-that-covid-19-had-a-lab-origin/>

<sup>69</sup> Appendix 002.

<sup>70</sup> <https://www.cambridge.org/core/journals/qrb-discovery/article/biovacc19-a-candidate-vaccine-for-covid19-sarscov2-developed-from-analysis-of-its-general-method-of-action-for-infectivity/DBBC0FA6E3763B0067CAAD8F3363E527>

<sup>71</sup> <https://techstartups.com/2020/06/07/norwegian-scientist-birger-sorensen-claims-coronavirus-lab-made-not-natural-origin/>

<sup>72</sup> <https://www.neweurope.eu/article/norwegian-scientist-says-covid-19-was-manufactured-claim-backed-by-ex-british-intel-head/>

comprehensive argument about the synthetic origins of COVID-19 (4 June 2020).<sup>73</sup> The following observations are especially noteworthy.

- a. China has a record of prior laboratory leaks, including a SARS virus escaping from a premier Chinese research institute in 2004,
- b. China has a record of poor biosafety even in its most hazardous facilities, including the institutes in Wuhan,
- c. China has a record of suppressing information, including information pertaining to COVID-19,
- d. China initiated a disinformation campaign to obfuscate the origins of COVID-19,
- e. China has a record of undertaking studies to augment the infectivity of viral strains, including the passage of betacoronaviruses through experimental animals.<sup>74</sup>

39. I have communicated with various colleagues about this topic. A fellow microbiologist, Elif Karadadas (Ph.D.), wrote the following: "I think COVID-19 is synthetic. It seems to me that structurally, its last segment has been arranged on purpose. Do you remember the structures of antibodies? They have a constant segment and a variable segment. The variable segment looks like it is the product of plasmid vector design, as opposed to spontaneous evolutionary assembly -- to increase its efficiency in humans."<sup>75</sup>

40. I have communicated with a former NATO executive, Kenneth Jolivet, who believes in general terms that the complaint has merit.<sup>76</sup> Likewise, I have communicated with Spiro Pantazatos, a neurobiology professor at Columbia University. He expressed support for the idea that COVID-19 is synthetic during a phone call. I have also received reports of an Oxford medical student who has similar views.<sup>77</sup>

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<sup>73</sup> <https://thebulletin.org/2020/06/did-the-sars-cov-2-virus-arise-from-a-bat-coronavirus-research-program-in-a-chinese-laboratory-very-possibly/>

<sup>74</sup> *Ibid.*

<sup>75</sup> Appendix 003.

<sup>76</sup> Appendix 004.

<sup>77</sup> Appendix 005.

41. China itself now rules out the “wet market” myth,<sup>78</sup> after propagating it for months. Now that this myth became unviable, China has begun a new and massive disinformation campaign via social media.<sup>79</sup> Despite all evidence to the opposite, China is now claiming that COVID-19 originates from Europe (15 June 2020).<sup>80</sup> China is attempting to use boycotts and tariffs as leverage to silence critical scientists.<sup>81</sup>
42. The United States published an interim minority report which concludes that China has concealed the extent of the coronavirus outbreak and engaged in various forms of deception, increasing the total number of deaths worldwide (and aggravating the economic damage). Moreover, WIV was under the management of the Chinese military at the time of COVID-19’s release.<sup>82</sup>
43. China, while obstructing independent and timely inquiry, has sought to obfuscate the evidence by publishing partisan research. A recent article by a Chinese team, for example, is both inconclusive and misleading.<sup>83</sup> The article is *inconclusive*, because it admits that “the origins of the virus remain unclear.” The article is *misleading*, because it relies on the discredited hypothesis that pangolins were the intermediate hosts – even though neither bats nor pangolins were on sale in the wet market. Moreover, they may have simply collected a sufficiently large number of betacoronavirus samples and chosen the furin protein that resembles COVID-19’s cleavage site the most (circular reasoning).
44. There are past examples of deadly pathogens escaping from laboratories. Some prominent examples include:

- a. British smallpox epidemics (1966, 1972, 1978),

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<sup>78</sup> <https://www.wsj.com/articles/china-rules-out-animal-market-and-lab-as-coronavirus-origin-11590517508>

<sup>79</sup> <https://www.theguardian.com/world/2020/jun/10/eu-says-china-behind-huge-wave-covid-19-disinformation-campaign>

<sup>80</sup> <https://www.globaltimes.cn/content/1191679.shtml>

<sup>81</sup> [https://tylerpaper.com/opinion/columnists/blocking-paths-to-the-truth-about-covid-19s-origins-is-a-deadly-problem/article\\_f3b965e8-b0e9-11ea-9db9-2781a2573c82.html](https://tylerpaper.com/opinion/columnists/blocking-paths-to-the-truth-about-covid-19s-origins-is-a-deadly-problem/article_f3b965e8-b0e9-11ea-9db9-2781a2573c82.html)

<sup>82</sup> <https://gop-foreignaffairs.house.gov/wp-content/uploads/2020/06/Interim-Minority-Report-on-the-Origins-of-the-COVID-19-Global-Pandemic-Including-the-Roles-of-the-CCP-and-WHO-6.15.20.pdf>

<sup>83</sup> [https://www.cell.com/current-biology/pdf/S0960-9822\(20\)30662-X.pdf](https://www.cell.com/current-biology/pdf/S0960-9822(20)30662-X.pdf)

- b. H1N1 - swine flu virus (1977),
- c. Venezuelan equine encephalitis (1995),
- d. SARS lab escapes (2002-2003),
- e. Foot and Mouth Disease (2007).<sup>84</sup>

45. Among these historical incidents, the H1N1 epidemic began with a reemergent pathogen escaping from a Chinese laboratory. “The most famous case of a released laboratory strain is the re-emergent H1N1 influenza-A virus, which was first observed in China in May of 1977 and in Russia shortly thereafter.”<sup>85</sup>

46. Moreover, Gibbs et al. argue that the 2009 swine influenza pandemic may have arisen out of “laboratory errors involving sharing of virus isolates and cultured cells,” instead of emerging via zoonosis.<sup>86</sup>

47. China’s industrial systems have poor quality control and safety mechanisms, as acknowledged many times over the last decade.<sup>87,88,89</sup> The food industry in particular suffers from dire conditions.<sup>90,91</sup>

48. Various legal experts opined that the circumstances require a war crimes inquiry.<sup>92,93,94,95</sup> Various parties submitted ICC complaints against China.<sup>96,97</sup> The

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<sup>84</sup> <https://armscontrolcenter.org/wp-content/uploads/2016/02/Escaped-Viruses-final-2-17-14-copy.pdf>

<sup>85</sup> <https://nationalpost.com/news/a-brief-terrifying-history-of-viruses-escaping-from-labs-70s-chinese-pandemic-was-a-lab-mistake>

<sup>86</sup> <https://pubmed.ncbi.nlm.nih.gov/19930669/>

<sup>87</sup> <https://money.usnews.com/money/blogs/alpha-consumer/2009/04/23/explaining-chinas-quality-control-problems>

<sup>88</sup> <https://thediplomat.com/2015/07/how-made-in-china-became-a-stigma/>

<sup>89</sup> <https://qualityinspection.org/quality-systems-china-manufacturers/>

<sup>90</sup> <https://www.bbc.com/news/av/world-asia-china-22460711/china-in-spotlight-over-mislabelled-meat-and-poor-hygiene>

<sup>91</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3888022/>

<sup>92</sup> <https://www.jurist.org/commentary/2020/05/benjamin-davis-covid19-criminal-liability/>

<sup>93</sup> <https://www.jurist.org/commentary/2020/04/yadav-bajpai-covid-conspiracy/>

<sup>94</sup> <https://www.cfr.org/article/it-crime-mishandle-public-health-response>

<sup>95</sup> <https://www.courthousenews.com/taking-china-to-court-over-virus-easier-said-than-done/>

<sup>96</sup> <https://www.dnaindia.com/india/report-mumbai-based-lawyer-files-plea-against-china-at-international-criminal-court-over-failure-to-contain-covid-19-outbreak-2821650>

<sup>97</sup> <https://www.freedomwatchusa.org/pdf/200416-FINAL%20InternationalCriminalCourtComplaintsupplementdraft8.pdf>

president of the European Commission endorses an investigation into the origins of the virus.<sup>98</sup> All members of the European Union call for an international scrutiny.<sup>99</sup> So does the White House.<sup>100</sup> So do Australia and the United Kingdom.<sup>101</sup>

49. Given the totality of the information, I conclude that COVID-19 is synthetic. I conclude that China has acted in a duplicitous and obstructive manner, establishing some degree of *mens rea*. I argue that China was developing technology which a reasonable person can classify as “biological weapons” and “chemical weapons.” Likewise, the FBI warrant and the subsequent federal indictment suggests that Lieber possesses *mens rea*.

50. The United States is investigating collusion between China and Israel in colleges, focusing on espionage and the theft of scientific knowledge – especially knowledge that constitutes breach of national security.<sup>102</sup> More than fifty scientists have already lost their jobs due to an investigation by the National Institute of Health, which revealed corruption involving at least \$164 million.<sup>103</sup>

51. There is a sense of ideological and *realpolitik* convergence between Israel and China, which might motivate such collusion. There are strong ties between

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<sup>98</sup> <https://www.cnbc.com/2020/05/01/coronavirus-eu-chief-backs-investigation-with-china-into-origin.html>

<sup>99</sup> <https://www.scmp.com/news/china/diplomacy/article/3082989/european-union-backs-international-inquiry-origins-coronavirus>

<sup>100</sup> <https://www.opindia.com/2020/04/donald-trump-china-coronavirus-knowingly-responsible-consequence-warning/>

<sup>101</sup> <https://www.reuters.com/article/us-health-coronavirus-britain-australia/british-australian-pms-agree-investigation-into-origins-of-coronavirus-outbreak-needed-idUSKBN23P24H>

<sup>102</sup> <https://www.bloomberg.com/news/articles/2020-05-19/u-s-scrutiny-of-israel-s-china-ties-expands-to-universities>

<sup>103</sup> <https://www.sciencemag.org/news/2020/06/fifty-four-scientists-have-lost-their-jobs-result-nih-probe-foreign-ties>

China and Israel.<sup>104</sup> China has an abysmal human rights record.<sup>105</sup> So does Israel.<sup>106</sup>

52. China uses aggressive methods of surveillance.<sup>107</sup> So does Israel.<sup>108</sup> China employs racial profiling via artificial intelligence.<sup>109</sup> So does Israel.<sup>110</sup>

53. Israel has assisted China to cover up financial malfeasance before, even when the lives of American citizens were involved.<sup>111</sup> There is widespread belief in China that Jews control the United States, which motivates Chinese politicians into seeking political alliances with Israel.<sup>112</sup>

54. Collusion between human rights violators is a common trope: for example, Israel colluded with the South African apartheid regime in the past.<sup>113</sup> Canada expressed concerns over the human rights records of China and Israel.<sup>114</sup> The highest diplomat of the European Union has condemned China's imperial ambitions.<sup>115</sup> The European Parliament passed a motion to sue China before the World Court due to its belligerence towards Hong Kong.<sup>116</sup>

55. According to global aggregate data, there are only ~300 deaths from COVID-19 in Israel and only ~4,600 deaths in China, as of 20 July 2020. In

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<sup>104</sup> <https://signal.supchina.com/why-does-china-admire-the-jews/>

<sup>105</sup> <https://www.hrw.org/world-report/2020/china-global-threat-to-human-rights>

<sup>106</sup> <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/>

<sup>107</sup> <https://www.cnn.com/2020/04/27/asia/cctv-cameras-china-hnk-intl/index.html>

<sup>108</sup> <https://theintercept.com/2016/10/17/how-israel-became-a-hub-for-surveillance-technology/>

<sup>109</sup> <https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html>

<sup>110</sup> <https://www.haaretz.com/israel-news/business/this-israeli-face-recognition-startup-is-secretly-tracking-palestinians-1.7500359>

<sup>111</sup> <https://www.tabletmag.com/sections/israel-middle-east/articles/netanyahu-chooses-china>

<sup>112</sup> <https://www.tabletmag.com/sections/arts-letters/articles/nanjing-jewish-studies>

<sup>113</sup> <https://www.haaretz.com/opinion/.premium-why-israel-supported-apartheid-regime-1.5298552>

<sup>114</sup> <https://globalnews.ca/news/7016506/israeli-chinese-policies-trudeau/>

<sup>115</sup> <https://www.scmp.com/news/china/diplomacy/article/3084684/china-trying-divide-and-rule-europe-eu-foreign-policy-chief>

<sup>116</sup> <https://www.nytimes.com/reuters/2020/06/19/world/asia/19reuters-hongkong-protests-eu.html>

comparison, most victims are from Western states. The United States has reported 120,000+ deaths, Brazil has reported 47,000+ deaths, the United Kingdom has reported 42,000+ deaths, Italy has reported 34,000+ deaths, France has reported 29,000+ deaths.<sup>117</sup>

56. This seems to imply that the Chinese and Israeli governments were able to prepare better against COVID-19, thanks to their joint private knowledge of its origins. Remote manipulation of the virus is highly unlikely. Remote surveillance is a stronger possibility. Israel has used complex surveillance mechanisms to monitor COVID-19 before. Israel's intelligence agency, Shin Bet, keeps this mechanism secret and discontinued the program in part to prevent public scrutiny and exposure.<sup>118</sup> We only know that it involves "an undisclosed trove of cellphone data."<sup>119</sup>

57. China has been accused of manipulating Europe, specifically by sowing internal dissent to fracture the European Union.<sup>120</sup> Likewise with Israel. The chief rabbi of London made speculative statements just days before the last British elections, contributing to Brexit.<sup>121</sup> The clique that accused Labor Party of racism against Jews was employing the so-called IHRA definition,<sup>122</sup> now discredited. Keir Starmer, current leader of Labor, has refused calls to extend Brexit despite calls from his party,<sup>123</sup> and even though the majority of Britons support an extension.<sup>124</sup> Starmer has ties to Israel.<sup>125</sup>

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<sup>117</sup> <https://www.worldometers.info/coronavirus/#countries>

<sup>118</sup> <https://www.haaretz.com/israel-news/netanyahu-weighs-renewing-shin-bet-tracking-of-coronavirus-patients-as-cases-rise-1.8935431>

<sup>119</sup> <https://www.bbc.com/news/world-middle-east-52579475>

<sup>120</sup> <https://www.newsweek.com/eu-official-says-china-trying-exploit-division-within-europe-member-states-must-remain-unified-1504582>

<sup>121</sup> <https://apnews.com/35bdba7e51504989a4f128b7a43377a8>

<sup>122</sup> <https://www.theguardian.com/politics/2018/sep/04/labour-adopts-ihra-antisemitism-definition-in-full>

<sup>123</sup> <https://www.newstatesman.com/politics/staggers/2020/06/what-keir-starmer-over-brexite-extension>

<sup>124</sup> <https://www.independent.co.uk/news/health/coronavirus-brexite-extension-leave-eu-health-foundation-ipsos-mori-a9562511.html>

<sup>125</sup> <https://www.timesofisrael.com/keir-starmer-elected-uk-labour-chief-apologizes-to-jews-for-party-anti-semitism/>

58. Moreover, just *one* day before Benjamin Netanyahu was confirmed as prime minister, China's ambassador to Israel (Du Wei) was found dead in his apartment.<sup>126</sup> The temporal proximity between the date of his assassination and Netanyahu's confirmation creates a general sense of suspicion. The most likely scenario is that Netanyahu ordered his assassination to prevent him from speaking out about the genesis of COVID-19.

59. Israel has recently begun to suppress its own archives.<sup>127</sup> Relations between Israel and China have become problematic within a matter of days after Wei's disappearance.<sup>128</sup> Mossad has carried out political assassinations before, often by using covert methods like poisonous toothpaste.<sup>129</sup> There are previous "suicide" incidents involving Mossad agents, under highly suspect circumstances.<sup>130,131,132</sup>

60. While mere intuition is not strong evidence, I possess perfect pitch<sup>133</sup> and I can generally recognize when people are lying – from the modulations of their voice. I can recognize Netanyahu as a malevolent liar. This is not just my assessment: Nikolas Sarkozy, former president of France, once called him out as a chronic liar.<sup>134</sup> Yair Netanyahu, Benjamin Netanyahu's son, is psychologically unstable and openly calls for ethnic cleansing.<sup>135</sup>

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<sup>126</sup> <https://www.cnn.com/2020/05/17/middleeast/israel-chinese-ambassador-dead-intl/index.html>

<sup>127</sup> <https://www.haaretz.com/israel-news/battle-over-memory-state-archives-issue-order-to-hand-over-all-state-documents-1.8883710>

<sup>128</sup> <https://www.jpost.com/israel-news/israeli-company-to-build-sorek-2-avoiding-us-china-controversy-629308>

<sup>129</sup> <https://www.independent.co.uk/news/world/middle-east/mossad-assassinations-israel-foreign-operations-arafat-book-shin-bet-ronan-bergman-interviews-a8181391.html>

<sup>130</sup> <https://www.theguardian.com/us-news/2019/aug/22/the-murky-life-and-death-of-robert-maxwell-and-how-it-shaped-his-daughter-ghislaine>

<sup>131</sup> <https://www.bbc.com/news/world-middle-east-21424570>

<sup>132</sup> <https://www.middleeastmonitor.com/20200106-jeffrey-epstein-was-blackmailing-politicians-for-israels-mossad-new-book-claims/>

<sup>133</sup> <https://www.youtube.com/watch?v=Fhmkd6w93Qs>

<sup>134</sup> <https://www.reuters.com/article/us-mideast-netanyahu-sarkozy/sarkozy-tells-obama-netanyahu-is-a-liar-idUSTRE7A720120111108>

<sup>135</sup> <https://www.middleeastmonitor.com/20200619-israel-netanyahus-son-wants-minorities-out-of-tel-aviv/>

61. ICC is already investigating Israel and the United States for various war crimes. As such, ICC is the perfect venue for such an inquiry (since it can compile and cross-check all relevant evidence). Moreover, there may be no alternative venues available. China has blocked the World Health Organization from investigating the genesis of the virus.<sup>136</sup> China has also blocked the United Nations Security Council from discussing COVID-19.<sup>137</sup>

62. Without a neutral and comprehensive inquiry under the auspices of international law, it is difficult to understand whether COVID-19 is (a) a zoonotic virus that escaped *per accidens*, (b) a synthetic virus that escaped *per accidens*, (c) a synthetic virus released on purpose. Given the totality of the evidence, it is extraordinarily unlikely that COVID-19 has natural origins.

63. Even if we assume *arguendo* that COVID-19 was not released on purpose, and this assessment may yet change, *criminal negligence* is still *criminal* -- especially when it involves human suffering and financial impact of this magnitude. I thus argue that China has violated Article (7)(1)(k) and Article (8)(2)(a)(ii)(iv) and Article (8)(2)(b)(i)(xiii)(xvii)(xviii) of the Rome Statute.<sup>138</sup>

64. Moreover, the United Nations prohibits the creation and use of biological and chemical weapons.<sup>139,140</sup> The bans are categorical and ecumenical, i.e. they require *general and complete disarmament* and prohibit *an entire category of weapons of mass destruction*. China violates the plain language of these conventions.

65. It is reasonable to assume that the prohibitions against biological and chemical weapons also apply, *mutatis mutandis*, to the improper use nanotechnology and artificial general intelligence for warfare purposes. The same ethical objections apply, albeit in stronger terms. Nanotechnology can annihilate the human race if it becomes too erratic, and likewise with artificial

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<sup>136</sup> <https://www.cbsnews.com/news/coronavirus-patient-zero-bat-index-case/>

<sup>137</sup> <https://www.opindia.com/2020/03/china-unsc-un-security-council-block-discussion-draft-coronavirus-covid-19-transparency/>

<sup>138</sup> <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

<sup>139</sup> <https://undocs.org/A/RES/72/43>

<sup>140</sup> <https://undocs.org/A/RES/72/71>

general intelligence. I urge ICC to maintain vigilance about any improper use of nanotechnology and artificial general intelligence.

66. Perhaps we may use a thermonuclear metaphor to understand China's degree of culpability. COVID-19 is a synthetic virus and there is evidence of criminal behavior concerning its development. We do not yet know whether it was released on purpose. Even if the release was *per accidens*, this would still mean that China's culpability falls somewhere between the Hiroshima bombing and the Chernobyl disaster.

67. ICC administers a quadruple test before pressing charges: *gravity, jurisdiction, complementarity, the interests of justice*. I argue that all prerequisite criteria are met.

- a. *Gravity*. The enormous impact of COVID-19, in terms of human tragedy and financial loss, would satisfy the principle of *gravity*.
- b. *Jurisdiction*. Territorial jurisdiction exists since COVID-19 has infected the entire planet. Human endangerment is an ecumenical concern. ICC has generally taken a more permissive view towards jurisdiction.<sup>141,142,143</sup>
- c. *Complementarity*. It is evident that neither China nor Israel can investigate themselves in a fair and reasonable manner. Nor can the United States do so at this time, for reasons explained below. This would satisfy the principle of *complementarity*.
- d. *The interests of justice*. ICC is a *suis generis* court and must decide on its own whether the interests of justice are met. However, an effective ICC inquiry can have deterrent effect against future pandemics – while also encouraging the disuse and destruction of biological and chemical weapons worldwide. Moreover, the investigation may create generic pressure against China and Israel to improve their abysmal human rights records.

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<sup>141</sup> <https://www.icc-cpi.int/bangladesh-myanmar>

<sup>142</sup> <https://www.icc-cpi.int/palestine>

<sup>143</sup> <https://www.icc-cpi.int/afghanistan>

## IDEOLOGICAL CENSORSHIP IN THE UNITED STATES

68. The information below is relevant in terms of assessing various ICC complaints against Israel, the United States, and China.

69. There are both progressives<sup>144</sup> and conservatives<sup>145</sup> who raised concerns about whether the Israeli lobby exerts disproportionate control over the United States government and/or press. Due to political correctness and conspiracy theories, it has been impossible to have a scientific and meaningful discussion about this topic until now.

70. Jewish-Americans constitute less than 2% of the population.<sup>146</sup> They are the wealthiest ethnic group in the United States per capita.<sup>147</sup> At least 139 individuals in the Forbes 400 list were Jewish in 2009.<sup>148</sup> Three out of nine judges at the United States Supreme Court are Jewish.<sup>149</sup> Elena Kagan in particular has been accused of both enjoying and perpetuating nepotism, both by conservatives<sup>150</sup> and progressives.<sup>151</sup>

71. Jewish ownership of the American press is indeed disproportionate and even monopolistic. Jewish authors occasionally acknowledge this disproportionality.<sup>152,153</sup> There is a disproportionate number of TV, newspaper, social media channels with Jewish owners, chief editors, executive directors:

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<sup>144</sup> <https://canadiandimension.com/articles/view/israels-stranglehold-on-american-politics>

<sup>145</sup> <https://www.theamericanconservative.com/larison/israel-is-not-americas-ally/>

<sup>146</sup> <https://www.jewishvirtuallibrary.org/jewish-population-in-the-united-states-by-state>

<sup>147</sup> <https://www.pewresearch.org/fact-tank/2016/10/11/how-income-varies-among-u-s-religious-groups/>

<sup>148</sup> <https://www.jta.org/2009/10/05/united-states/at-least-139-of-the-forbes-400-are-jewish>

<sup>149</sup> <https://www.jpost.com/diaspora/no18-ruth-bader-ginsburg-stephen-breyer-and-elena-kagan-602837>

<sup>150</sup> <https://www.theoccidentalobserver.net/2012/09/02/elena-kagans-diversity-problem-and-jewish-privilege/>

<sup>151</sup> <https://www.thedailybeast.com/kagan-doesnt-deserve-it>

<sup>152</sup> <https://www.latimes.com/archives/la-xpm-2008-dec-19-oe-stein19-story.html>

<sup>153</sup> <https://mondoweiss.net/2009/09/a-jewish-journalist-is-not-sincere-about-jewish-ownership-of-media/>

Alphabet/Google,<sup>154</sup> Facebook,<sup>155</sup> CBS,<sup>156</sup> Disney/ABC,<sup>157</sup> WarnerMedia,<sup>158</sup> Comcast,<sup>159</sup> The New York Times,<sup>160</sup> Bloomberg,<sup>161</sup> Los Angeles Times,<sup>162</sup> Associated Press,<sup>163</sup> CNN,<sup>164</sup> Forbes,<sup>165</sup> Reuters,<sup>166</sup> Daily Beast,<sup>167</sup> New Yorker.<sup>168</sup>

72. This disproportionality creates an effect akin to an *ethnic monopoly* over the dissemination of information within the United States. While disproportionate employment in any specific sector is not illegal per se, *monopolistic behavior via exclusionary conduct* is illegal under the anti-trust laws of the United States.<sup>169</sup> Likewise, *anticompetitive market practices* are illegal under the laws of the European Union.<sup>170</sup> Moreover, illegitimate racial nepotism is generally illegal under Title VII of the Civil Rights Act<sup>171</sup> and Article 14 of the European Convention of Human Rights.<sup>172</sup>

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<sup>154</sup> <https://www.jpost.com/jewish-world/jewish-features/the-worlds-50-richest-jews-1-10>

<sup>155</sup> <https://www.timesofisrael.com/facebooks-zuckerberg-says-hes-more-religious-since-becoming-a-dad/>

<sup>156</sup> <https://www.jpost.com/jewish-world/jewish-features/top-50-most-influential-jews-2013-places-21-30-313138>

<sup>157</sup> <https://thewaltdisneycompany.com/disney-chairman-and-ceo-bob-iger-receives-simon-wiesenthal-centers-humanitarian-award/>

<sup>158</sup> <https://www.dallasnews.com/business/technology/2017/05/17/how-att-ceo-randall-stephenson-earned-a-yarmulke-respect-from-new-york-jewish-group/>

<sup>159</sup> <https://forward.com/news/193521/brian-roberts-jewish-roots-and-outsized-ambition-d/>

<sup>160</sup> <https://www.timesofisrael.com/the-sulzberger-family-a-complicated-jewish-legacy-at-the-new-york-times/>

<sup>161</sup> <https://www.politico.com/news/magazine/2020/02/19/mike-bloomberg-55-things-you-need-to-know-115862>

<sup>162</sup> <https://jewishbusinessnews.com/2013/11/05/norman-pearlstine-goes-back-in-time-2/>

<sup>163</sup> <https://jewishjournal.com/culture/food/130525/>

<sup>164</sup> <https://www.jewishvirtuallibrary.org/jeff-zucker>

<sup>165</sup> <https://www.forbes.com/sites/steveforbes/2015/07/22/how-the-small-state-of-israel-is-becoming-a-high-tech-superpower/#36fedbf54236>

<sup>166</sup> <https://www.jewishindependent.ca/israel-has-some-allies/>

<sup>167</sup> <https://www.nytimes.com/2003/02/20/technology/retelling-jewish-history-abraham-to-israel.html>

<sup>168</sup> <https://www.independent.co.uk/news/people/profiles/passedfailed-an-education-in-the-life-of-david-remnick-editor-of-the-new-yorker-420607.html>

<sup>169</sup> <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/single-firm-conduct/monopolization-defined>

<sup>170</sup> [https://ec.europa.eu/competition/antitrust/overview\\_en.html](https://ec.europa.eu/competition/antitrust/overview_en.html)

<sup>171</sup> <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

<sup>172</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

73. Moreover, the United States is the only member of the United Nations Security Council which consistently supports Israel's crimes against humanity.<sup>173</sup> The correlation is all too apparent.

74. Moreover, organizations like ADL (Anti-Defamation League) and SPLC (Southern Poverty Law Center) maintain extensive contracts with press companies – which creates an additional layer of political censorship. ADL is an organization that has aggressively silenced both conservative and progressive critics of Israel.<sup>174</sup> So has SPLC.<sup>175</sup> These organizations do not pass muster under First Amendment law,<sup>176</sup> yet they exist. SPLC has long been discredited as a Ponzi scheme,<sup>177</sup> yet remains active.

75. Jewish activists also play a disproportionate role in civil rights organizations, allowing them undue leverage over matters such as immigration and affirmative action – according to a Jewish author.<sup>178</sup>

76. Google has two primary owners, both of whom are Jewish (Larry Page, Sergey Brin). Google has been accused of political censorship many times.<sup>179,180,181</sup> High-ranking Google executives admit that they engage in political filtering.<sup>182</sup>

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<sup>173</sup> <https://www.haaretz.com/us-news/in-first-u-s-votes-against-un-resolution-condemning-israeli-control-of-golan-heights-1.6657881>

<sup>174</sup> <http://bostonreview.net/politics/emmaia-gelman-anti-defamation-league-not-what-it-seems>

<sup>175</sup> <http://bostonreview.net/politics/emmaia-gelman-anti-defamation-league-not-what-it-seems>

<sup>176</sup> <https://firstamendmentwatch.org/slants-case-supreme-court-affirms-no-hate-speech-exception/>

<sup>177</sup> <https://www.usatoday.com/story/opinion/2019/08/17/southern-poverty-law-center-hate-groups-scam-column/2022301001/>

<sup>178</sup> <https://www.washingtonpost.com/wp-srv/style/longterm/books/chap1/jewishpower.htm>

<sup>179</sup> <https://www.commerce.senate.gov/2019/6/optimizing-for-engagement-understanding-the-use-of-persuasive-technology-on-internet-platforms>

<sup>180</sup> <https://www.foxnews.com/tech/google-competitor-emerges-as-worries-about-bias-grow>

<sup>181</sup> <https://www.mercurynews.com/2019/06/07/google-discrimination-case-first-brought-by-james-damore-can-proceed/>

<sup>182</sup> <https://www.projectveritas.com/news/insider-blows-whistle-exec-reveals-google-plan-to-prevent-trump-situation-in-2020-on-hidden-cam/>

77. The United States Department of Justice is pressing antitrust charges against Google because it is a malicious and monopolistic company.<sup>183</sup> The European Union<sup>184</sup> and the Republic of India<sup>185</sup> pressed similar charges against Google. Australia has voiced similar concerns.<sup>186</sup>

78. Google is designing an AI program which can accelerate itself.<sup>187</sup> There are concerns in scientific and military circles about the existential threats posed by emergent AI.<sup>188,189</sup> Google has already developed programs that can wipe out insect species.<sup>190</sup> Google is using AI for racial profiling purposes.<sup>191</sup> To complete the syllogism, Google already possesses AI that can target specific human populations for extermination.

79. Moreover, military technology is developing so fast that we may soon approximate a state of “hyperwar,” where any kind of escalation between rogue AI factions can end the human race.<sup>192</sup> Defending world peace has never been as urgent as it is now.

80. The European Union has increased pressure against Google’s AI advancement, effectively requesting a moratorium on all software development for now.<sup>193</sup> Federal judges in the United States compelled Google’s AI team to

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<sup>183</sup> <https://www.nytimes.com/2020/05/15/technology/google-antitrust-investigation.html>

<sup>184</sup> <https://www.reuters.com/article/us-eu-alphabet-inc-antitrust-idUSKCN1MJ2CA>

<sup>185</sup> <https://www.reuters.com/article/us-india-google-antitrust-exclusive/exclusive-google-faces-antitrust-case-in-india-over-payments-app-sources-idUSKBN2331G3>

<sup>186</sup> <https://www.reuters.com/article/us-fitbit-m-a-alphabet/australian-regulator-says-googles-21-billion-fitbit-deal-could-harm-competition-idUSKBN23P032>

<sup>187</sup> <https://www.technologyreview.com/2020/03/27/950258/google-ai-chip-design-reinforcement-learning/>

<sup>188</sup> <https://www.telegraph.co.uk/technology/news/11342200/Top-scientists-call-for-caution-over-artificial-intelligence.html>

<sup>189</sup> <https://www.c4isrnet.com/it-networks/2020/06/18/artificial-intelligence-systems-need-checks-and-balances-throughout-development/>

<sup>190</sup> <https://www.independent.co.uk/news/world/americas/coronavirus-google-alphabet-zika-dengue-malaria-mosquitoes-a9453106.html>

<sup>191</sup> <https://thenextweb.com/neural/2020/06/18/youtube-sued-for-using-ai-to-rationally-profile-content-creators/>

<sup>192</sup> <https://www.wired.com/story/artificial-intelligence-military-robots/>

<sup>193</sup> <https://techxplore.com/news/2020-05-google-cautions-eu-ai-rule-making.html>

hold transparent, public meetings.<sup>194</sup> Google’s artificial intelligence programs have stolen data about coronavirus patients from the United Kingdom, in breach of privacy laws.<sup>195</sup> Concerns about the “artificial intelligence aristocracy” of companies like Google and Facebook are now increasingly mainstream.<sup>196</sup>

81. Facebook’s owner, Mark Zuckerberg, is Jewish. A clique of Israeli extremists, operating under the label *Zachor Institute*, is pressuring social media giants to adopt regulations which will make it impossible to criticize Israel or Judaism.<sup>197</sup>

82. Facebook has deactivated the accounts of Palestinian journalists and activists before.<sup>198,199</sup> Google has sought to ban *The Federalist*, a center-right publication that engages in reasonable advocacy on behalf of Christian Europeans.<sup>200</sup> As such, corporations like Google and Facebook are not neutral publications but rather engage in discrimination against both Europeans and Palestinians.

83. There are examples of Jewish militants fomenting both far-right and far-left extremism. For example, far-right Israeli saboteurs engage in disinformation campaigns online on a routine basis.<sup>201</sup> Likewise, an experimental documentary suggests that the violent race riots at Minneapolis were organized and aggravated by Jewish specialists: Sophia Lasoff, Aaron Berger, Paul Engler, Jon

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<sup>194</sup> <https://news.bloomberglaw.com/privacy-and-data-security/ai-panel-led-by-former-google-head-must-meet-in-open-court-says>

<sup>195</sup> <https://techcrunch.com/2020/06/05/uks-covid-19-health-data-contracts-with-google-and-palantir-finally-emerge/>

<sup>196</sup> <https://thehill.com/opinion/technology/502400-big-techs-artificial-intelligence-aristocracy>

<sup>197</sup> <https://www.wfmj.com/story/42209108/zachor-legal-institute-advocates-for-social-media-companies-to-rid-their-platforms-of-antisemitism>

<sup>198</sup> <https://www.middleeasteye.net/news/facebook-deactivates-accounts-dozens-palestinian-journalists-and-activists>

<sup>199</sup> <https://www.nbcnews.com/tech/tech-news/facebook-doesn-t-care-activists-say-accounts-removed-despite-zuckerberg-n1231110>

<sup>200</sup> <https://www.dailymail.co.uk/news/article-8428721/Google-bans-right-wing-sites-Federalist-ZeroHedge-using-ads-make-money.html>

<sup>201</sup> <https://carnegieendowment.org/2020/06/10/challenges-of-counterintelligence-operations-pub-82031>

Lansman.<sup>202</sup> Aaron Berger is the CEO of Asymmetrical Solutions, a military contracting company that poses as a human rights organization<sup>203</sup> – and the most likely criminal mastermind behind the Minneapolis riots, which caused at least \$300 million in terms of financial harm.<sup>204</sup>

84. There are past examples of Jewish-Americans encouraging war crimes for the sole benefit of Israel. The Israeli newspaper Haaretz reported that the majority of the neoconservative intellectuals who agitated for the invasion of Iraq were Jewish.<sup>205</sup> The invasion of Iraq cost at least 500,000 human lives<sup>206</sup> and at least \$2 trillion in terms of financial damage.<sup>207</sup>

85. The American government has prosecuted individuals for leaking information about the illegal actions of the Israeli lobby. Edward Snowden was persecuted for leaking information about Israel's crimes, such as a consistent pattern of espionage and blackmail.<sup>208</sup> So was Julian Assange, founder of WikiLeaks.<sup>209</sup>

86. Jewish donors use relatively small sums of money to procure the consent of both conservative and progressive politicians – who pass parliamentary motions to spend far more exorbitant amounts for Israel, according to Jewish publication *Mondoweiss*.<sup>210</sup> The United States has spent \$228+ billion of financial aid for Israel.<sup>211</sup> After absorbing such massive amounts of taxpayer money from

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<sup>202</sup> [https://www.youtube.com/watch?v=DgsnyHILdb8&feature=emb\\_logo](https://www.youtube.com/watch?v=DgsnyHILdb8&feature=emb_logo)

<sup>203</sup> <https://threadshots.threadreaderapp.com/1270859241079914501.jpg>

<sup>204</sup> <https://www.startribune.com/dfl-proposes-300m-for-riot-damaged-businesses-in-minneapolis-st-paul/571277972/>

<sup>205</sup> <https://www.haaretz.com/1.4764706>

<sup>206</sup> <https://www.nationalgeographic.com/news/2013/10/131015-iraq-war-deaths-survey-2013/>

<sup>207</sup> <https://www.businessinsider.com/us-taxpayers-spent-8000-each-2-trillion-iraq-war-study-2020-2>

<sup>208</sup> <https://www.timesofisrael.com/israeli-tech-helped-saudis-kill-journalist-snowden-tells-tel-aviv-confab/>

<sup>209</sup> <https://www.theguardian.com/world/2011/apr/07/israeli-wikileaks-cables-julian-assange>

<sup>210</sup> <https://mondoweiss.net/2020/06/the-arms-race-between-dems-and-gop-for-pro-israel-donors/>

<sup>211</sup> <https://fas.org/sgp/crs/mideast/RL33222.pdf>

the United States, Israeli philanthropists spend much smaller sums to create false positive publicity.<sup>212</sup>

87. Similar mechanisms of control exist to manipulate the current American president, Donald Trump. Trump's personal lawyer (Jay Sekulow) is Jewish – and he is also defending Israel against war crime charges before ICC. Gloria Allred, who brought sexual harassment charges against Donald Trump, is also Jewish (and a beneficiary of Jewish nepotism, as explained below). The majority of lawyers and witnesses who sought to impeach Donald Trump were Jewish.<sup>213</sup> This allows for a mechanism of dual control, i.e. both the accusers and the advocates are Jewish. Last but not least, Trump's most influential advisor (Jared Kushner) is also Jewish.<sup>214</sup>

88. These legal maneuvers are especially significant if we take into consideration the political calendar. Trump was endorsing the two-state solution circa September 2018,<sup>215</sup> consistent with past American diplomatic tradition and in compliance with international law. He changed his position and began to endorse annexation circa January 2020.<sup>216</sup>

89. Reasonable opposition to Antisemitism is an important aspect of human rights jurisprudence. I have opposed Antisemitism myself before, whenever proper. For example, I collected signatures against a White House statement which seemed to imply some degree of Holocaust denial.<sup>217</sup> Nothing in this document must be interpreted as opposition to Israel's existence per se (within the 1949 Armistice borders).

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<sup>212</sup> <https://www.jpost.com/israel-news/genesis-prize-awards-speak-out-for-israel-grants-to-israel-intl-ngos-631511>

<sup>213</sup> <https://www.timesofisrael.com/three-of-the-trump-impeachment-witness-lawyers-were-jewish-and-it-matters/>

<sup>214</sup> <https://www.vox.com/policy-and-politics/2020/6/13/21265067/jared-kushner-trump-white-house-andrea-bernstein>

<sup>215</sup> <https://www.thedailybeast.com/trump-endorses-two-state-solution-to-israeli-palestinian-conflict>

<sup>216</sup> <https://www.bbc.com/news/world-middle-east-51288218>

<sup>217</sup> Please refer to Appendix 006.

90. Jewish nepotists are similar to the Sicilian mafioso and/or Islamic fundamentalists, i.e. they espouse a combination of ultranationalist ideology and organized crime. The proper diagnosis of this problem is necessary to restore not just the transatlantic alliance between the United States and the European Union, but also to prevent additional damage to world peace.

91. No religion is exempt from critique, including Judaism. There are Orthodox Jews who believe that gentiles only exist as slaves for Jews.<sup>218</sup> There are rabbis who praised the burning of Notre Dame, one of the most beautiful monuments of Europe.<sup>219</sup> According to Jewish professor Mira Beth Wasserman, Talmudic tradition portrays gentiles as animals, especially in the chapter *Avoda Zara*.<sup>220</sup>

92. According to Jewish scholar Israel Shahak, the Talmud instructs Jews to “curse the mothers of the dead when passing non-Jewish cemeteries.” The Talmud does not deem it necessary to punish a Jew who murders a gentile (*Mishneh Torah, Laws of Murder 2:11*). The Talmud also forbids Jews from saving the lives of gentiles (*Mishneh Torah, Laws of Murder 4:11*).<sup>221</sup> Interestingly, ADL sought to silence various critics for repeating what Jewish scholars themselves admit, i.e. that the Talmud preaches violence towards gentiles.<sup>222,223</sup>

93. Israeli soldiers have recently murdered pregnant women,<sup>224</sup> a four-year old girl,<sup>225</sup> and a mentally ill man.<sup>226</sup> Put in other words, they are treating the people of Palestine as if they were less than human.

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<sup>218</sup> <https://www.timesofisrael.com/embracing-racism-rabbis-at-pre-army-yeshiva-laud-hitler-urge-enslaving-arabs/>

<sup>219</sup> <https://www.timesofisrael.com/radical-rabbi-says-notre-dame-fire-retribution-for-13th-century-talmud-burning/>

<sup>220</sup> <https://www.upenn.edu/pennpress/book/15672.html>

<sup>221</sup> <https://www.myjewishlearning.com/article/israel-and-anti-gentile-traditions/>

<sup>222</sup> <https://www.timesofisrael.com/adl-blasts-dangerous-and-defamatory-introduction-in-arabic-translation-of-talmud/>

<sup>223</sup> <https://jewschool.com/2003/06/6844/the-talmud-in-anti-semitic-polemics-and-starbucks/>

<sup>224</sup> <https://www.aljazeera.com/news/2019/05/palestinian-mother-baby-killed-israeli-raids-gaza-190504162115210.html>

<sup>225</sup> <https://www.haaretz.com/israel-news/four-year-old-palestinian-who-was-shot-in-the-head-dies-of-her-wounds-1.8887402>

<sup>226</sup> <https://www.aa.com.tr/en/middle-east/mentally-disabled-palestinian-shot-dead-in-jerusalem/1858804>

## **ETHNIC NEPOTISM & DISCRIMINATION: UNITED STATES DEPARTMENT OF EDUCATION**

94. There is a little-known but powerful federal agency in the United States: Department of Education, Office for Civil Rights [OCR]. OCR has immense power, since it can deprive academic institutions of all federal funding.<sup>227</sup> This disproportionate power, at the hands of the wrong person, can become a weapon of tyranny.

95. Kenneth L. Marcus is an attorney licensed to practice law in Washington DC. He has been the incumbent Assistant Secretary for Civil Rights at the Office for Civil Rights since January 2018. This is the chief executive position within the agency. Marcus has concentrated all appellate authority within OCR in his hands.<sup>228</sup>

96. Marcus pursues a narrow agenda, inimical to civil liberties and free speech and universal principles of fairness. His offenses can be summarized as, “obstruction of justice against international law” and “invidious discrimination against people of European descent” and “invidious discrimination against Christians” and “invidious discrimination against the people of Palestine.”

97. Marcus seeks to manipulate Title VI (a federal law which prohibits racial discrimination) to silence all criticism of Israel by encouraging and investigating frivolous allegations of “hostile environment.”<sup>229,230</sup> According to his bizarre logic, accusing Israel of racism is itself a form of racism. The plain language of a Title VI letter sent to Rutgers University, for example, makes it clear that he

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<sup>227</sup> <https://www2.ed.gov/about/offices/list/ocr/index.html>

<sup>228</sup> I have verified this matter through conversations with multiple federal bureaucrats, working for different regional bureaus within the Office for Civil Rights. Three civil rights attorneys (Coleen Chin, Judith O’Boyle, Michael O’Donnell) have independently confirmed that all resolution letters (formal decisions) are signed and authored by Kenneth Marcus, current chief executive at the civil rights agency.

<sup>229</sup> <https://www.thefire.org/ocrs-use-of-overly-broad-anti-semitism-definition-threatens-student-and-faculty-speech/>

<sup>230</sup> <https://forward.com/opinion/435453/how-trumps-education-department-is-weaponizing-anti-semitism-and/>

wants to silence all criticism of Israel and Judaism. The letter also creates the false impression that his actions were consistent with European laws.<sup>231</sup>

98. These false and frivolous allegations violate and impede supranational jurisprudence, since there are now grave charges (war crimes, crimes against humanity) pending against Israeli actors at the International Criminal Court [ICC].<sup>232</sup> For example, a student or professor can get expelled for merely repeating ICC's pending verdict, i.e. "there is reasonable basis to believe that Israel has committed crimes against humanity."

99. Marcus relies upon an eclectic interpretation of an obscure document published by the International Holocaust Remembrance Alliance [IHRA] to press charges against American colleges. However, the author of this document made it very clear that the definition was not legally binding<sup>233</sup> and Marcus is distorting the IHRA definition itself. The Congress of the United States rejected a very similar bill which would have codified the IHRA definition into binding law.<sup>234</sup>

100. Marcus and his clique ousted academics from their positions many times for political dissent against Israel – including Jewish critics of Israel.<sup>235</sup> I myself have been deprived of my Ph.D. degree for my critique against his policies.

101. Marcus seeks to use Title VI to outlaw boycott efforts against Israel.<sup>236</sup> Boycotts against Israel are permissible according to the Supreme Court of the United Kingdom,<sup>237</sup> the European Court of Justice,<sup>238</sup> and the European Court

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<sup>231</sup>[https://www.insidehighered.com/sites/default/server\\_files/media/Rutgers%20Appeal.pdf](https://www.insidehighered.com/sites/default/server_files/media/Rutgers%20Appeal.pdf)

<sup>232</sup> <https://www.icc-cpi.int/palestine>

<sup>233</sup> <https://jewschool.com/2019/12/171594/a-tale-of-two-kenneths-a-brief-history-of-campus-antisemitism-in-u-s-civil-rights-law-2004-present/>

<sup>234</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/852/text>

<sup>235</sup> <https://www.middleeastmonitor.com/20200113-jewish-teacher-fired-over-anti-israel-comments-in-us-as-concern-grows-over-weaponizing-anti-semitism/>

<sup>236</sup> <https://theintercept.com/2017/10/28/anti-bds-campaigner-nominated-for-top-civil-rights-job-at-department-of-education/>

<sup>237</sup> <https://www.middleeastmonitor.com/20200429-uk-supreme-court-rules-against-government-attempt-to-curb-bds/>

<sup>238</sup> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf>

of Human Rights.<sup>239</sup> The Supreme Court of the United States allows political boycotts, including economic boycotts, under the First Amendment.<sup>240</sup> The Court of Appeals for Washington State upheld boycotts against Israel by dismissing an opposing lawsuit under the SLAPP statute, which was designed to ward off vexatious litigants.<sup>241</sup>

102. Kenneth Marcus is also launching investigations against elite academic institutions in the United States on the basis that they discriminate against Jewish applicants in college admission.<sup>242</sup> This is false. According to Jewish author Ron Unz, admission policies in American colleges favor Jewish applicants at the expense of European applicants.<sup>243,244</sup>

103. ADL, Jewish advocacy group, opposes college admissions on the basis of merit.<sup>245</sup> However, there is no right to affirmative action on the basis of race under the laws of the European Union.<sup>246</sup>

104. People of Jewish descent are only ~2% of the American population, yet they constitute ~20-25% of the most elite American colleges. Harvard's graduate student cohort is 55% Jewish.<sup>247</sup> Marcus seeks to compel American institutions to admit *even more* Jewish applicants, presumably by creating quotas.

105. These numbers are sometimes justified on the basis of "high Jewish IQ." However, IQ tests are generally suspect.<sup>248</sup> Moreover, since Jews are a religion

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<sup>239</sup> <http://hudoc.echr.coe.int/eng-press?i=003-6718555-8953654>

<sup>240</sup> <https://www.mtsu.edu/first-amendment/article/987/boycotts>

<sup>241</sup> [https://ccrjustice.org/sites/default/files/attach/2020/02/2-19-20\\_Davis-v-Cox\\_Appellate-Opinion\\_w.pdf](https://ccrjustice.org/sites/default/files/attach/2020/02/2-19-20_Davis-v-Cox_Appellate-Opinion_w.pdf)

<sup>242</sup> Please refer to Appendix 007.

<sup>243</sup> <https://www.theamericanconservative.com/articles/the-myth-of-american-meritocracy/>

<sup>244</sup> Please refer to Appendix 008.

<sup>245</sup> <https://www.haaretz.com/us-news/adl-backs-harvard-in-lawsuit-challenging-race-based-admissions-policies-1.8885467>

<sup>246</sup> <http://facta.junis.ni.ac.rs/lap/lap2003/lap2003-06.pdf>

<sup>247</sup> <https://hillel.org/college-guide/list/record/harvard-university>

<sup>248</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4557354/>

but not a race,<sup>249</sup> claims of Jewish racial superiority are absurd. Eugenic theories about “Jewish genius” are ridiculed by the American public.<sup>250</sup>

106. Apologists for “high Jewish IQ” sometimes seek to narrow their claims by insisting that only Ashkenazi Jews display hyperintelligence. This is based on a single study,<sup>251</sup> which has a highly defective methodology that does not pass muster.<sup>252</sup> Moreover, studies demonstrate that Ashkenazi Jews are descended from a very small original population.<sup>253</sup> Inbreeding depression has a negative correlation with intelligence.<sup>254</sup>

107. Last but not least, tests conducted during the 20th century showed that Jewish-Americans were scoring worse than European-Americans – according to Princeton professor Carl Brigham, who invented the widely used SAT test.<sup>255</sup>

108. It is impossible to imagine how Jewish nepotism would serve the interests of distributive justice, even if we assume *arguendo* that distributive justice can outweigh the importance of pure merit. Jewish nepotism harms both working-class Europeans and people of color (Latinos, Native Americans, Africans). Jewish-Americans are the wealthiest ethnic group per capita.

109. Kenneth Marcus is employing racist double standards against people of European descent in administrative labor law. When a Jewish professor (Christine Fair)<sup>256</sup> made ugly and violent statements (“*kill and castrate all white men, and feed their corpses to pigs*”)<sup>257</sup> expressing some degree of genocidal intent

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<sup>249</sup> This is common sense, since it is possible to become Jewish via conversion. Jews are comprised of radically different ethnic groups: Mizrahim (Arabs), Ashkenazim (Eastern European), Sephardim (Latino), Beta Israel (Ethiopian).

<sup>250</sup> <https://www.theguardian.com/media/2019/dec/28/bret-stephens-new-york-times-jewish-intelligence-eugenics>

<sup>251</sup> <https://web.mit.edu/fustflum/documents/papers/AshkenaziIQ.jbiosocsci.pdf>

<sup>252</sup> <https://pdfs.semanticscholar.org/1eed/b19bcf7c059a4b10a9ed8c58027d9ed22bae.pdf>

<sup>253</sup> <https://www.haaretz.com/science-and-health/.premium-ashkenazim-derive-from-350-people-1.5263886>

<sup>254</sup> <https://www.nature.com/articles/266440a0>

<sup>255</sup> <https://www.theguardian.com/news/2018/mar/02/the-unwelcome-revival-of-race-science>

<sup>256</sup> [https://www.clevelandjewishnews.com/unfiltered/in-praise-of-the-jewish-woman-who-called-out-a/article\\_eeca4c3a-4613-11e7-9990-97dca86aa5e1.html](https://www.clevelandjewishnews.com/unfiltered/in-praise-of-the-jewish-woman-who-called-out-a/article_eeca4c3a-4613-11e7-9990-97dca86aa5e1.html)

<sup>257</sup> <https://pjmedia.com/trending/title-ix-complaint-filed-against-prof-who-called-for-miserable-deaths-of-white-senators/>

against people of European descent, Marcus has refused to press charges of “hostile environment” against the professor – after months of careful evaluation. This is alarming and disturbing.

110. These decisions have precedential impact upon administrative labor law, i.e. may decide the fate of many academics. There are examples of men of European descent denied positions or terminated from their positions based on perceived offensive speech.<sup>258</sup>

111. Discrimination against people of European descent is illegal, according to both United States Supreme Court doctrine<sup>259</sup> and the conventions of the European Court of Human Rights.<sup>260</sup> Moreover, the European Court of Human Rights prohibits discrimination<sup>261,262,263</sup> and discourages hate speech<sup>264</sup> against members of the Christian faith.

112. Such double standards may also impact the adjudication of hate crimes and sexual crimes based on the identity of the accuser and the accused. For example, a Jewish man who engages in sexual assault against a European woman may receive a lesser sentence than a European man who engages in sexual assault against a Jewish woman. I suspect this is happening to some degree already. The United States Department of Education routinely adjudicates complaints about hate crimes<sup>265</sup> and sexual assault.<sup>266</sup>

113. This is not a hypothetical scenario. There are examples of Jewish serial rapists victimizing young women with impunity, only to cover up their crimes due to nepotism. Harvey Weinstein<sup>267</sup> and Jeffrey Epstein<sup>268</sup> are perhaps the

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<sup>258</sup> <https://www.npr.org/2018/10/02/653560525/dean-at-catholic-university-suspended-for-tweet-about-kavanaugh-accuser>

<sup>259</sup> <https://supreme.justia.com/cases/federal/us/557/557/>

<sup>260</sup> <http://hudoc.echr.coe.int/eng?i=001-114240>

<sup>261</sup> <http://hudoc.echr.coe.int/eng?i=001-87396>

<sup>262</sup> <http://hudoc.echr.coe.int/eng?i=001-139903>

<sup>263</sup> <http://hudoc.echr.coe.int/eng?i=001-57897>

<sup>264</sup> <http://hudoc.echr.coe.int/eng?i=001-189145>

<sup>265</sup> <https://www2.ed.gov/admins/lead/safety/crime/hatecrimes/index.html>

<sup>266</sup> <https://www2.ed.gov/about/offices/list/ocr/sexharassresources.html>

<sup>267</sup> <https://www.bbc.com/news/entertainment-arts-41594672>

<sup>268</sup> <https://www.insider.com/timeline-jeffery-epstein-sexual-abuse-cases-2019-7>

most prominent examples. Weinstein relied on Mossad agents to silence his victims.<sup>269</sup> Epstein was involved with Mossad gangsters who “provided young girls to prominent politicians from around the world for sex, and then used the incidents to blackmail them in order to attain information for Israeli intelligence.”<sup>270</sup>

114. Marcus is displaying favoritism in the management of the federal agency. He has expedited and privileged complaints filed by an ideologue called Mark Perry,<sup>271</sup> because Perry pledges support for political causes similar to his own (such as promoting the myth that Ashkenazi Jews are genetically superior to Europeans in terms of intellect).<sup>272,273</sup> Identical complaints by other parties, filed in the same category, are stalled and dismissed. Perry has filed 100+ such complaints.<sup>274</sup>

115. Likewise, while pressing Title VI charges against Stanford University, Marcus accepted a complaint from a Jewish complainant on an expedited basis and assigned the complaint to a Jewish attorney (Sara Berman). This raises concerns about tampering and nepotism. The complaint is precedential and involves the class rights of millions of students.

116. Marcus seeks to operate in secret. I have submitted complex Freedom of Information Act requests before his tenure, and they were generally granted. He refuses to honor FOIA requests now, either by stalling or dismissing them.<sup>275</sup>

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<sup>269</sup> <https://www.newyorker.com/news/news-desk/harvey-weinsteins-army-of-spies>

<sup>270</sup> <https://www.middleeastmonitor.com/20200106-jeffrey-epstein-was-blackmailing-politicians-for-israels-mossad-new-book-claims/>

<sup>271</sup> <https://www.aei.org/carpe-diem/an-update-on-my-efforts-to-challenge-title-ix-violations-in-higher-education-2/>

<sup>272</sup> This claim, advanced by a different AEI scholar called Charles Murray, is often cited to justify discrimination against people of European descent in college admissions. That is to say, the unscientific and increasingly discredited belief that Jews are genetically superior to Europeans (advanced by ideologues like Charles Murray and Mark Perry) is crucial to propagating the *status quo* in American colleges.

<sup>273</sup> <https://ibb.co/WDT27W1>

<sup>274</sup> <https://www.thelantern.com/2020/02/ohio-state-responds-to-complaint-of-male-discrimination/>

<sup>275</sup> Please refer to Appendix 009.

I am therefore unable to discover the total count of Title VI complaints pending, nor their exact nature.

117. Press coverage shows that most elite academic institutions in the United States are under siege: Columbia,<sup>276</sup> Stanford,<sup>277</sup> Georgetown,<sup>278</sup> NYU,<sup>279</sup> Rutgers,<sup>280</sup> UCLA,<sup>281</sup> Duke.<sup>282</sup> Marcus does not evaluate the specific facts of each complaint but opens and resolves these complaints on the basis of ideological presuppositions and his personal ties.

118. Marcus routinely falsifies and distorts evidence. For example, Marcus revived an old Title VI complaint against Rutgers University. He mentions in the administrative record that Jewish students were called “Zionist pigs,” but omits any mention of the fact that Arab students were called “towelheads” and “suicide bombers.” These were mutual and puerile insults, as reported by the New York Times.<sup>283</sup> A reasonable person would have either found both Arabs and Jews responsible for hate speech or dismissed charges against both. Instead, he sided with Jewish students only. To make things worse, this complaint was filed eight years ago and dismissed four years ago,<sup>284</sup> since the evidence did not support his ideological presuppositions.

119. Marcus often bends the administrative rules to fit his agenda. He ruled in favor of a complaint filed by Gloria Allred, who thus consolidated a settlement

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<sup>276</sup> <https://jewishweek.timesofisrael.com/columbia-complaint-tests-limits-of-anti-zionist-speech/>

<sup>277</sup> <https://www.stanforddaily.com/2019/12/26/trump-anti-semitism-order-sparks-free-speech-concerns/>

<sup>278</sup> <https://www.meforum.org/campus-watch/60246/georgetown-gets-a-title-vi-wakeup-call>

<sup>279</sup> <https://www.wsws.org/en/articles/2020/03/12/zion-m12.html>

<sup>280</sup> <https://zoa.org/2018/09/10378469-zoas-title-vi-case-against-rutgers-reopened-by-us-civil-rights-office/>

<sup>281</sup> <https://www.latimes.com/opinion/story/2020-01-23/in-going-after-ucla-the-trump-administration-is-attempting-to-chill-free-speech-about-israel>

<sup>282</sup> <https://www.jns.org/congress-members-call-on-devos-to-deny-taxpayer-funds-for-bds-studies-on-campus/>

<sup>283</sup> <https://www.nytimes.com/2018/09/11/us/politics/rutgers-jewish-education-civil-rights.html>

<sup>284</sup> <https://palestinelegal.org/news/2014/09/16/1708>

worth \$215 million from the University of Southern California.<sup>285</sup> Allred is entitled to 33-40% of the amount.<sup>286</sup> However, the Office for Civil Rights has a rule according to which complaints should be dismissed if there are parallel or equivalent lawsuits pending before courts: Section 108(h).<sup>287</sup> In this case, there were indeed parallel lawsuits pending before the United States District Court and a federal judge *dismissed* the lawsuit for lack of merit.<sup>288</sup> \$215 million is a massive sum which burdens taxpayers and students, and Allred's exploitative behavior has been criticized before.<sup>289</sup> Allred has a reputation for aggressive litigation against men accused of sexual misconduct -- but she went to extraordinary lengths to protect Harvey Weinstein, a serial predator of Jewish descent.<sup>290</sup> Gloria Allred is also of Jewish descent.

120. After all these observations, I wanted to test how Marcus would react to a civil rights complaint that would challenge discrimination against Europeans and Christians on a more direct basis. So, I filed a complaint against Brandeis University. Reasonable persons may agree or disagree about the particulars of the complaint, but the complaint is consistent with the formal standards Marcus himself imposes upon colleges. Marcus quickly dismissed the complaint, and I appealed the dismissal.<sup>291</sup>

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<sup>285</sup> <https://www.reuters.com/article/us-california-abuse/usc-agrees-to-215-million-settlement-in-california-gynecologist-case-idUSKCN1MT2JX>

<sup>286</sup> I have had phone calls with T.C., another attorney working on this case.

<sup>287</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/ocrpm.pdf>

<sup>288</sup> <https://www.courtlistener.com/recap/gov.uscourts.cacd.728350/gov.uscourts.cacd.728350.50.0.pdf>

<sup>289</sup> <https://www.dailynews.com/2019/04/04/sexual-harassment-legislation-should-help-victims-not-their-lawyers/>

<sup>290</sup> <https://www.nytimes.com/2019/09/19/podcasts/the-daily/harvey-weinstein-gloria-allred.html>

<sup>291</sup> Please refer to Appendix 010.

121. Marcus has faced opposition from Jewish activists<sup>292</sup> and bipartisan coalitions.<sup>293,294</sup> He has been condemned by major consensus organizations such as left-wing American Civil Liberties Union,<sup>295</sup> non-partisan Foundation for Individual Rights,<sup>296</sup> and right-wing American Enterprise Institute.<sup>297</sup> He faces opposition from the current Secretary of Education, Honorable Betsy DeVos.<sup>298</sup>

122. Marcus is thus attempting to impose illegal and invidious regulations which violate legal precedent from the Supreme Court of Israel,<sup>299</sup> the Supreme Court of the United Kingdom,<sup>300</sup> sovereign courts of Germany,<sup>301</sup> the United States Department of Education,<sup>302</sup> The Congress of the United States,<sup>303</sup> the United States Supreme Court,<sup>304</sup> the European Court of Justice,<sup>305</sup> the European Court of Human Rights,<sup>306</sup> the International Criminal Court,<sup>307</sup> and the World Court.<sup>308</sup>

123. Marcus is well aware that his illegal behavior cannot pass muster under constitutional law. He nonetheless uses the Department of Education as an

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<sup>292</sup> <https://jewishvoiceforpeace.org/over-100-faculty-oppose-nomination-of-kenneth-marcus-to-head-office-for-civil-rights/>

<sup>293</sup> <https://ccrjustice.org/letter-civil-rights-groups-demand-doe-assistant-secretary-marcus-end-attacks-free-speech>

<sup>294</sup> <https://www.dukechronicle.com/article/2019/10/duke-university-concerned-faculty-academic-freedom-middle-east>

<sup>295</sup> <https://www.aclu.org/blog/free-speech/first-amendment-protects-right-boycott-israel>

<sup>296</sup> <https://www.thefire.org/fire-statement-regarding-executive-order-on-campus-anti-semitism/>

<sup>297</sup> <https://www.aei.org/op-eds/us-department-of-education-wants-some-major-changes-to-civil-rights-data-collection-theyd-be-a-huge-mistake/>

<sup>298</sup> <https://reason.com/wp-content/uploads/assets/db/15369499618934.pdf>

<sup>299</sup> <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C18%5C160%5C072%5Cz08&fileName=18072160.Z08&type=4>

<sup>300</sup> <https://therealnews.com/stories/uk-supreme-court-reverses-bds-ban-palestine-solidarity-campaign>

<sup>301</sup> <https://bdsmovement.net/news/another-german-court-rules-favor-supporters-bds-movement>

<sup>302</sup> <https://assets.documentcloud.org/documents/1300803/ocr-decision-on-title-vi-complaint-7-31-14.pdf>

<sup>303</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/852/text>

<sup>304</sup> <https://supreme.justia.com/cases/federal/us/458/886/>

<sup>305</sup> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf>

<sup>306</sup> <http://hudoc.echr.coe.int/eng-press?i=003-6718555-8953654>

<sup>307</sup> [https://www.icc-cpi.int/CourtRecords/CR2020\\_00161.PDF](https://www.icc-cpi.int/CourtRecords/CR2020_00161.PDF)

<sup>308</sup> <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-BI.pdf>

instrument to create the false impression of legitimacy and spread disinformation – according to a Jewish publication.<sup>309</sup>

124. I have written to the Secretary of Education, Honorable DeVos, to request his termination in a timely and reasonable manner -- but the request has not been granted. Moreover, I have submitted a complaint against him with the Office of Disciplinary Counsel at Washington DC Bar,<sup>310</sup> but this complaint has been dismissed. The current president of Washington DC Bar, Geoffrey Klineberg, is Jewish. Washington DC Bar has penalized lawyers for lesser infractions before, such as disbaring a lawyer for “using her disability as an excuse.”<sup>311</sup> According to this warped logic, suffering from a disability is a greater offense than complicity in Israel’s crimes against humanity.

125. Given these circumstances, the United States is generally incapable of investigating itself about criminal collusion between Israel and China in the academic sphere and beyond.

## ONGOING SUPPORT FOR THE INTERNATIONAL CRIMINAL COURT

126. Two thirds of all sovereign states in the world (123/206) accept ICC’s jurisdiction. 27 states have signed but not ratified the statute, while 5 states requested jurisdiction on *ad hoc* basis. The United Nations<sup>312</sup> and the European Union<sup>313</sup> are strong supporters of ICC.

127. The Congress of the United States has defeated a bill which would have outlawed collaboration and exchange of information with the European Union

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<sup>309</sup> <https://jewishcurrents.org/waging-lawfare/>

<sup>310</sup> <https://www.dcbard.org/attorney-discipline/office-of-disciplinary-counsel/>

<sup>311</sup> <https://www.scribd.com/document/464013063/Washington-DC-Disbarment-Order-Against-Disabled-Lawyer>

<sup>312</sup> <https://news.un.org/en/story/2017/12/638232-un-chief-urges-universal-ratification-international-criminal-courts-founding>

<sup>313</sup> [https://www.icc-cpi.int/NR/rdonlyres/6EB80CC1-D717-4284-9B5C-03CA028E155B/140157/ICCPRES010106\\_English.pdf](https://www.icc-cpi.int/NR/rdonlyres/6EB80CC1-D717-4284-9B5C-03CA028E155B/140157/ICCPRES010106_English.pdf)

and the United Nations concerning any investigation or boycott against Israel.<sup>314</sup> The CLOUD Act authorizes the European Union to access information from the United States, especially concerning serious criminal acts such as terrorism and war crimes.<sup>315</sup>

128. The leading politicians of the European Union have sharply condemned the current policies of Israel as “apartheid.”<sup>316</sup> Official state channels of Russia<sup>317</sup> and Turkey<sup>318</sup> have endorsed the International Criminal Court. Germany endorses ICC in strong terms.<sup>319</sup> The United Kingdom, Canada, Brazil, Mexico, Norway, Austria, Czech Republic have also endorsed ICC.<sup>320</sup> Moreover, the United Nations Human Rights Council imposed a weapons embargo upon Israel.<sup>321</sup>

129. Israel censors the Christian faith.<sup>322</sup> The Vatican condemns Israel’s war crimes.<sup>323</sup> The World Council of Churches and the Middle East Council of Churches oppose Israel’s crimes against peace.<sup>324</sup> The US State Department published a human rights report which condemned Israel for “persistent institutional and societal discrimination” against Christians, Muslims, the Druze, and Ethiopians.<sup>325</sup>

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<sup>314</sup> <https://www.jns.org/us-house-democrats-block-anti-bds-bill/>

<sup>315</sup> <https://www.congress.gov/bill/115th-congress/house-bill/4943>

<sup>316</sup> [https://www.ecfr.eu/article/commentary\\_open\\_letter\\_grave\\_concern\\_about\\_us\\_plan\\_for\\_israeli\\_palestinian](https://www.ecfr.eu/article/commentary_open_letter_grave_concern_about_us_plan_for_israeli_palestinian)

<sup>317</sup> <https://www.rt.com/op-ed/483667-icc-independent-us-war-crimes/>

<sup>318</sup> <https://www.aa.com.tr/en/politics/turkey-hails-icc-probe-into-alleged-israeli-war-crimes/1680354>

<sup>319</sup> <https://www.dw.com/en/opinion-donald-trumps-perfidious-attacks-on-the-international-criminal-court/a-53793798>

<sup>320</sup> <https://onu.delegfrance.org/We-remain-committed-to-an-international-rules-based-order>

<sup>321</sup> <https://www.republicworld.com/world-news/rest-of-the-world-news/unhrc-approves-resolution-on-israel-with-thin-margin.html>

<sup>322</sup> <https://www.haaretz.com/us-news/.premium-israel-threatens-to-shut-down-god-tv-accusing-it-of-hiding-conversation-agenda-1.8839906>

<sup>323</sup> <https://www.ncronline.org/news/vatican/vatican-makes-apparent-rebuke-us-shift-israeli-settlements-unusual-communicue>

<sup>324</sup> <https://www.indcatholicnews.com/news/39555>

<sup>325</sup> <https://www.state.gov/wp-content/uploads/2020/03/ISRAEL-2019-HUMAN-RIGHTS-REPORT.pdf>

130. Vociferous opposition to ICC is limited to an increasingly discredited faction of Israeli ultranationalists, who have vilified ICC and even encouraged a campaign of “relentless force” against international human rights judges.<sup>326</sup> They hide behind the illusion of American consent to advance their agenda.

131. American foreign policy experts have called for terminating Washington’s “special relationship with Israel” if annexation occurs.<sup>327</sup> Even in Israel, only 44.7% of respondents support annexation.<sup>328</sup> 100+ international law professors condemned the annexation of Palestine.<sup>329</sup> 400+ Jewish professors signed an open letter, denouncing annexation.<sup>330</sup> No less than 1,000+ European parliamentarians oppose annexation.<sup>331</sup>

132. American voters are increasingly skeptical of Israel, and support for annexation is critically low.<sup>332</sup> The majority of Americans oppose legislation that would criminalize opposition to Israel.<sup>333</sup> The United States House of Representatives passed a motion opposing the annexation of Palestine.<sup>334</sup>

133. Michael Pompeo’s vexatious threats against ICC have been condemned by American ambassadors and war crime prosecutors.<sup>335</sup> Even after Pompeo announced vexatious sanctions against ICC, the Treasury Department is unwilling to comply with the directives.<sup>336</sup> The New York City Bar rejected the

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<sup>326</sup> <https://besacenter.org/perspectives-papers/us-israel-icc/>

<sup>327</sup> <https://foreignpolicy.com/2020/05/20/israel-palestine-annexation-west-bank-ending-special-relationship/>

<sup>328</sup> <https://www.timesofisrael.com/fewer-than-half-of-israelis-back-annexation-even-fewer-think-it-will-happen/>

<sup>329</sup> <http://opiniojuris.org/2020/06/11/an-open-letter-to-the-israeli-government-condemning-annexation/>

<sup>330</sup> <https://www.timesofisrael.com/400-jewish-studies-scholars-denounce-annexation-as-a-crime-against-humanity/>

<sup>331</sup> <https://www.bbc.com/news/world-middle-east-53139817>

<sup>332</sup> <https://foreignpolicy.com/2018/12/11/americans-are-increasingly-critical-of-israel/>

<sup>333</sup> <https://www.wrmea.org/irmep-polls/despite-trump-executive-order-majority-still-opposes-attempts-to-silence-and-defund-campus-critics-of-israeli-human-rights-abuses.html>

<sup>334</sup> <https://www.congress.gov/bill/116th-congress/house-resolution/326>

<sup>335</sup> <https://www.justsecurity.org/69255/former-officials-challenge-pompeos-threats-to-the-international-criminal-court/>

<sup>336</sup> <https://www.justsecurity.org/70796/trumps-icc-eo-will-undercut-all-u-s-sanctions-programs-is-that-why-treasury-isnt-conspicuously-on-board/>

sanctions.<sup>337</sup> The majority of Americans (48-56%) believe that the United States should accept ICC jurisdiction.<sup>338</sup> As such, ICC may presume the ongoing consent of the American people.

134. Even if such consent did not exist, the existential concerns listed herein would warrant ICC intervention regardless. Moreover, the consensus of the United Nations supersedes the consensus of the United States. No single nation has the right to create or allow circumstances which may endanger the entire human race.

135. Those who seek to escape the nemesis of justice sometimes accuse international courts of politicization and partisanship. Such accusations are irrational and unconvincing, especially against an ecumenical and multiethnic tribunal like ICC – which has been accused of bias against Africans,<sup>339</sup> bias against Muslims,<sup>340</sup> bias against Jews,<sup>341</sup> bias against Russians,<sup>342</sup> bias against Americans.<sup>343</sup>

136. Given all these factors, I urge ICC to open an international war crimes inquiry against China, while reaffirming jurisdiction over Israel and the United States. I also ask ICC to consider issuing INTERPOL and EUROPOL summons/warrants against the following suspects:

- a. *Charles Lieber*, the most probable suspect in the development of COVID-19. He is already under FBI arrest for committing a crime akin to treason, but the United States is incapable of investigating itself in an efficient manner concerning such

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<sup>337</sup><https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/rebutting-recent-icc-criticism>

<sup>338</sup> <https://www.washingtonpost.com/politics/2019/04/28/trump-administration-opposes-international-criminal-court-do-americans-agree/>

<sup>339</sup> <https://www.bbc.com/news/world-africa-38826073>

<sup>340</sup> <https://www.foxnews.com/world/malaysia-wont-join-icc-over-pressure-from-muslim-opposition>

<sup>341</sup> <https://www.timesofisrael.com/international-criminal-court-probe-of-israel-is-pure-anti-semitism-says-pm/>

<sup>342</sup> <https://www.theguardian.com/world/2016/nov/16/russia-withdraws-signature-from-international-criminal-court-statute>

<sup>343</sup> <https://www.washingtonexaminer.com/opinion/trump-should-make-the-international-criminal-court-pay-for-its-anti-american-idiocy>

matters. ICC is in a better position to interrogate and prosecute him upon extradition.

- b. *Zheng-Li Shi*, senior WIV scientist and the second most probable suspect in the development of COVID-19. Shi received a grant that would test the pandemic potential of SARS-related betacoronaviruses.<sup>344</sup> The virus originates from her laboratory.
- c. *Kenneth Marcus*, who possesses discriminatory intent against both Europeans and Palestinians. He is in a position of power within the United States government, where he and his clique will obstruct any inquiry into the improper ties between Israel and China – in addition to perpetuating policies that harm Europeans and Palestinians.
- d. *Benjamin Netanyahu*, prime minister of Israel, who has committed various war crimes<sup>345</sup> and who has already been indicted for grand corruption.<sup>346</sup> Again, ICC is in a better position to interrogate and prosecute him upon extradition.

137. I have engaged in various forms of human rights advocacy, generally consistent with the precepts of the European Court of Human Rights. For example, I have opposed discrimination against the male sex in American colleges,<sup>347,348</sup> consistent with the philosophy and methodology of rulings such as *Abrahamsson and Anderson v. Fogelqvist* (2000)<sup>349</sup> and *Konstantin Markin v. Russia* (2012).<sup>350</sup> I have created a petition to support a feminist critic of Islam,<sup>351</sup>

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<sup>344</sup> <https://www.independentsciencenews.org/health/the-case-is-building-that-covid-19-had-a-lab-origin/>

<sup>345</sup> <https://www.theguardian.com/law/2019/dec/20/icc-to-investigate-alleged-israeli-and-palestinian-war-crimes>

<sup>346</sup> <https://www.cnn.com/2020/01/28/middleeast/israel-netanyahu-withdraws-immunity-request-intl/index.html>

<sup>347</sup> <https://www.usatoday.com/story/opinion/2019/02/12/colleges-universities-discriminate-men-title-ix-complaints-toxic-masculinity-column/2831834002/>

<sup>348</sup> <https://www.insidehighered.com/views/2019/12/18/men-are-banding-together-class-action-lawsuits-against-discrimination-title-ix>

<sup>349</sup> <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-407/98>

<sup>350</sup> <http://hudoc.echr.coe.int/eng?i=001-109868>

<sup>351</sup> <https://www.change.org/p/court-of-cassation-turkey-petition-to-free-canan-kaftancioglu-human-rights-activist-critic-of-radical-islam>

consistent with rulings such as *Emel Boyraz v. Turkey* (2014)<sup>352</sup> and *Ali Cetin v. Turkey* (2017).<sup>353</sup> I have engaged in advocacy for the Kurdish minority,<sup>354</sup> consistent with rulings such as *Selahattin Demirtas v. Turkey* (2015).<sup>355</sup> I have opposed Holocaust denial, consistent with *Pastörs v. Germany* (2020).<sup>356</sup>

138. I undertook a hunger strike for 32 days, avoiding solid food, to protest various injustices I observed at the Department of Education.<sup>357</sup> I hope this protest conveys a sense of proportionality.

139. I have engaged in thousands of hours of *pro bono* work, despite lucrative professional options.<sup>358</sup> I have already lost my Ph.D. degree and suffered illegal surveillance for communicating information to the Council of Europe.<sup>359</sup>

140. I am not a conspiratorial person in general. I carefully evaluate all claims presented to me: for example, I debunked a curated video about Bill Gates within a manner of minutes.<sup>360</sup>

141. I received letters of acknowledgement from the Speaker of the House of Lords and the President of Brazil, after sending them similar letters.<sup>361</sup>

142. I testify under penalty of perjury that the aforementioned above is true and correct.

Yours truly,  
Kursat Christoff Pekgoz  
Bachelor of Science (Bilkent University)  
Master of Arts (Bosphorus University)  
Master of Arts (University of Southern California)  
Contact Info: [pekgoz@usc.edu](mailto:pekgoz@usc.edu)

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<sup>352</sup> <http://hudoc.echr.coe.int/eng?i=001-148271>

<sup>353</sup> <http://hudoc.echr.coe.int/eng?i=001-174421>

<sup>354</sup> <https://barisicinakademisyenler.net/node/1>

<sup>355</sup> <http://hudoc.echr.coe.int/eng?i=001-155359>

<sup>356</sup> <http://hudoc.echr.coe.int/eng?i=001-196148>

<sup>357</sup> Please refer to Appendix 011.

<sup>358</sup> Please refer to Appendix 012.

<sup>359</sup> Please refer to Appendix 013.

<sup>360</sup> Please refer to Appendix 014.

<sup>361</sup> Please refer to Appendix 015.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200  
SAN FRANCISCO, CA 94105

REGION IX  
CALIFORNIA

APR 27 2016

Mr. Kursat Pekgoz  
3584 S. Figueroa, #210a  
Los Angeles, California 90007

(In reply, please refer to case no. 09-16-2128.)

Dear Mr. Pekgoz:

On March 24, 2016, the U.S. Department of Education, Office for Civil Rights (OCR), notified the University of Southern California (University) of OCR's investigation of your complaint. Your complaint alleged that the University discriminated against you (the Complainant) based on sex when it failed to provide you with a prompt and equitable response to a sexual harassment/assault complaint filed against you and to a sexual harassment/assault complaint you filed against a fellow student; and you were denied counseling for sexual trauma at the Center for Women and Men.

In the course of the OCR investigation, we have become aware that your complaint is asserting allegations on both individual and systemic bases. Specifically, your complaint alleges that:

- (1) the University failed to provide you a prompt and equitable response to a sexual harassment complaint filed against you by a female student, and to the sex harassment/assault complaints you filed against the same female student;
- (2) the University fails to provide a prompt and equitable response to sexual harassment/assault complaints; and
- (3) the University denies counseling to men for sexual trauma at the Center for Women and Men based on their sex.

With respect to the second allegation, OCR is already investigating this claim in OCR docket number 09-13-2294, and this allegation will be also be considered in that investigation. With respect to the third allegation, we find that it is a systemic allegation appropriate for investigation under the laws enforced by OCR. We are simultaneously notifying the University of the additional allegations.

OCR routinely advises recipients of Federal funds and public education entities that Federal regulations prohibit intimidation, harassment or retaliation against those filing complaints with OCR and those participating in the complaint resolution process.

Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Your cooperation is appreciated. If you have any questions, please contact Civil Rights Attorney Laura Welp at [laura.welp@ed.gov](mailto:laura.welp@ed.gov) or 415-486-5577.

Sincerely,

A handwritten signature in black ink that reads "Mary Beth McLeod". The signature is written in a cursive style with a large, sweeping initial "M".

Mary Beth McLeod  
Team Leader

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

HONORABLE ASSISTANT ATTORNEY GENERAL FOR  
CIVIL RIGHTS AND HONORABLE ASSISTANT  
SECRETARY FOR CIVIL RIGHTS,

PLEASE NOTE THAT WE HEREBY FILE THIS FEDERAL  
CIVIL RIGHTS COMPLAINT (TITLE IX) AGAINST  
CORNELL UNIVERSITY. WE SUBMIT THIS COMPLAINT  
UNTO THE JOINT JURISDICTION OF THE DEPARTMENT  
OF JUSTICE AND THE DEPARTMENT OF EDUCATION.

YOURS TRULY,  
COALITION MEMBERS

CC: Assistant Attorney General for Civil Rights, Eric Dreiband  
CC: Assistant Secretary of Civil Rights, Kenneth Marcus  
CC: Department of Justice (Education) Electronic Submission Portal  
CC: Office for Civil Rights Electronic Submission Portal

## PROLOGUE

**GENERAL.** Men are, on average, more disadvantageded than women throughout the world – including the United States.<sup>1</sup> The American criminal justice system is biased against male defendants.<sup>2</sup> Likewise, there are concerns about discrimination against men in the American family court system.<sup>3</sup>

**NO WAGE GAP.** The persistent myth that men earn more than women for the same work is fueled by flawed comparisons which “do not control for many factors that can be significant in explaining earnings differences.”<sup>4</sup> Men “are significantly more likely ... to work longer hours.” In addition, a woman’s decision to take time off for marriage and childbearing is another factor that may result in a lower salary.<sup>5</sup> This was demonstrated in a 2005 study by the Congressional Budget Office which found “no gender gap in wages among men and women with similar family roles.”<sup>6</sup> Furthermore, it is axiomatic that men work in more dangerous jobs and thus are more likely to suffer grievous harm: “riskier jobs get paid more.”<sup>7</sup> Women control 60% of personal wealth and buy 85% of all customer purchases: moreover, 40% of women earn more than their husbands.”<sup>8</sup> In 2010, *Time* reported that “single women under 30 actually earned, on average, 8% more than their male counterparts.”<sup>9</sup> A recent study found out that women are 36% more likely than men to receive a job offer.<sup>10</sup>

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<sup>1</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0205349>

<sup>2</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2144002](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2144002)

<sup>3</sup> <https://ir.library.illinoisstate.edu/cgi/viewcontent.cgi?article=1631&context=etd>

<sup>4</sup> U.S. Bureau of Labor Statistics, *Highlights of women’s earnings in 2013*, December 2014, <https://www.bls.gov/opub/reports/womens-earnings/archive/highlights-of-womens-earnings-in-2013.pdf>.

<sup>5</sup> Ketterer, Sarah, “The ‘Wage Gap’ Myth That Won’t Die,” *Wall Street Journal*, September 30, 2015, <https://www.wsj.com/articles/the-wage-gap-myth-that-wont-die-1443654408>.

<sup>6</sup> O’Neill and O’Neill, *What Do Wage Differentials Tell us About Labor Market Discrimination?*, National Bureau of Economic Research, March 2005, p. 33, [https://www.nber.org/papers/w11240.pdf?new\\_window=1&mod=article\\_inline](https://www.nber.org/papers/w11240.pdf?new_window=1&mod=article_inline)

<sup>7</sup> Worstall, Tim, “Here’s Your Gender Pay Gap - Fatal Occupational Injuries,” December 21, 2016, *Forbes*, <https://www.forbes.com/sites/timworstall/2016/12/21/heres-your-gender-pay-gap-fatal-occupational-injuries/#750063c26c3e>.

<sup>8</sup> “Statistics on the Purchasing Power of Marketing,” *girlpowermarketing*, (emphasis in original) <https://girlpowermarketing.com/statistics-purchasing-power-women/>.

<sup>9</sup> Williams and Ceci, *supra*, , quoting, O’Neill and O’Neill, *What Do Wage Differentials Tell us About Labor Market Discrimination?*, National Bureau of Economic Research, March 2005, p. 33, [https://www.nber.org/papers/w11240.pdf?new\\_window=1&mod=article\\_inline](https://www.nber.org/papers/w11240.pdf?new_window=1&mod=article_inline); citing, Luscombe, “Workplace Salaries: At Last, Women on Top,” *Time*, September 1, 2010, [http://content.time.com/time/business/article/0,8599,2015274,00.html?mod=article\\_inline](http://content.time.com/time/business/article/0,8599,2015274,00.html?mod=article_inline).

<sup>10</sup> <http://insight.movemeon.com/insight-analysis/gender/women-more-likely-to-get-hired-than-men>

**EDUCATION.** The education system in America is especially biased against men. 77% of all teachers in the public education system are women.<sup>11</sup> Girls have higher grades than boys in all categories.<sup>12</sup> Numerous studies “have shown that stereotyping [by female teachers] can bias teachers’ assessment and grades” against boys.<sup>13</sup> Women are the overrepresented sex among college students nationwide.<sup>14</sup> They are also the majority of law students<sup>15</sup> and medical students.<sup>16</sup> Almost every college offers a Women’s Studies Department,<sup>17</sup> but no equivalent programs exist for men.<sup>18</sup> Women are the majority of students at Cornell University [52%] and they are also the majority of academic employees at Cornell [52.1%].<sup>19</sup>

**SCIENCE, TECHNOLOGY, ENGINEERING, MATH.** Women comprise the majority of doctorate degrees in the health and medical (80%), biological (56%) and social/behavioral (63%) sciences nationally.<sup>20</sup> New civil rights data published by the Department of Education makes it clear that concerns over the underrepresentation of women in STEM education are outdated.<sup>21</sup> Women are at a 2 to 1 advantage over men in STEM faculty hiring.<sup>22</sup> Despite women outpacing men, affirmative action programs continue to be justified on the grounds of implicit gender bias. However, empirical evidence for systemic

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<sup>11</sup><https://www.edweek.org/ew/articles/2017/08/15/the-nations-teaching-force-is-still-mostly.html>

<sup>12</sup><http://www.apa.org/news/press/releases/2014/04/girls-grades.aspx>

<sup>13</sup> Camille Terrier, *Boys Lag Behind: How Teachers’ Gender Biases Affect Student Achievement*, November 2016, MIT Department of Economics and National Bureau of Economic Research, (“Research shows that teachers’ biases generate self-fulfilling prophecies, produce stereotype threats, affect students’ interest in a subject, and affect students’ levels of effort.” pp. 1-3 (citations omitted)  
<https://seii.mit.edu/wp-content/uploads/2016/11/SEII-Discussion-Paper-2016.07-Terrier-1.pdf>.

<sup>14</sup>[https://nces.ed.gov/programs/digest/d16/tables/dt16\\_322.20.asp](https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp)

<sup>15</sup><https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>

<sup>16</sup>[https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175\\_story.html?utm\\_term=.3873f1eff392](https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175_story.html?utm_term=.3873f1eff392)

<sup>17</sup> <https://datausa.io/profile/cip/050207/>

<sup>18</sup> The creation of a Men’s Studies program is not a hypothetical request. There are scholars who would like to teach such subjects (Edward Stephens, Warren Farrell) and there is also demand for such programs. For example, a Facebook page called “Gender Studies for Men” has 5000+ likes on Facebook, a not-so-insignificant number since most Women’s Studies programs have small cohorts:

<https://www.facebook.com/GenderStudiesForMen/>

<sup>19</sup> <https://www.collegefactual.com/colleges/cornell-university/student-life/diversity/>

<sup>20</sup> <http://www.aei.org/publication/women-earned-majority-of-doctoral-degrees-in-2017-for-9th-straight-year-and-outnumber-men-in-grad-school-137-to-100-2/>

<sup>21</sup><https://www.ed.gov/news/press-releases/us-department-education-releases-2015-16-civil-rights-data-collection>

<sup>22</sup> Williams, W. M. & Ceci, S. J. National hiring experiments reveal 2:1 faculty preference for women on STEM tenure track. *Proc. Natl. Acad. Sci. U.S.A.* p. 112, 5360–5365 (2015).

anti-female gender bias in science is tenuous. In fact, men may be held to a higher standard than women in order to warrant praise.<sup>23</sup>

**BIAS IN SEXUAL HARASSMENT ADJUDICATION.** According to institutions that release such data, the overwhelming majority of the persons sanctioned under Title IX theory are male.<sup>24</sup> However, men and women experience some forms of sexual victimization at equivalent rates<sup>25</sup> and the majority of male victims report female perpetrators.<sup>26</sup> The majority of Title IX administrators nationwide are women.<sup>27</sup> The unfairness of Title IX tribunals has received widespread and bipartisan criticism.<sup>28,29,30,31,32,33</sup> Cornell University in particular has been called out repeatedly due to its bias against men.<sup>34,35,36,37</sup>

**CHILLING EFFECT.** Male students/professors who deviate from the orthodoxy of campus gender politics often face mobbing or termination. There are many such examples, including cases covered by the press.<sup>38,39,40,41,42</sup>

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<sup>23</sup> Gender Bias in Science or Biased Claims of Gender Bias? *Psychology Today*. Available at: <https://www.psychologytoday.com/blog/rabble-rouser/201707/gender-bias-in-science-or-biased-claims-gender-bias> (Accessed: 5th November 2018).

<sup>24</sup> *Stanford University's 2018 Title IX Report*: <https://news.stanford.edu/2018/02/27/provost-issues-campus-wide-report-title-ix-sexual-harassment-cases/>

*Yale University's 2018 Title IX Report*:

[https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report\(1\).pdf](https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report(1).pdf)

<sup>25</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4062022/>

<sup>26</sup> <https://www.sciencedirect.com/science/article/pii/S1359178916301446?via%3Dihub>

<sup>27</sup> [https://www.nas.org/articles/gender\\_inequity\\_among\\_the\\_gender\\_equity\\_enforcers](https://www.nas.org/articles/gender_inequity_among_the_gender_equity_enforcers)

<sup>28</sup> <https://dash.harvard.edu/handle/1/33789434>

<sup>29</sup> <https://reason.com/blog/2018/02/19/ruth-bader-ginsburg-due-process-me-too>

<sup>30</sup> <https://www.wsj.com/articles/jerry-browns-title-ix-veto-1508280834>

<sup>31</sup> <http://www.saveservices.org/wp-content/uploads/Victim-Centered-Practices-Open-Letter-FINAL.docx.pdf>

<sup>32</sup> <https://www.washingtontimes.com/news/2016/may/18/law-professors-letter-denounces-title-ix-overreach/>

<sup>33</sup> [https://www.nas.org/articles/nas\\_applauds\\_secretary\\_devos\\_decision\\_on\\_title\\_ix](https://www.nas.org/articles/nas_applauds_secretary_devos_decision_on_title_ix)

<sup>34</sup> <https://reason.com/archives/2018/04/12/23-cornell-professors-say-their-school-v>

<sup>35</sup> <https://cornellsun.com/2017/04/14/student-who-says-he-attempted-suicide-during-title-ix-investigation-sues-cornell/>

<sup>36</sup> <https://thetab.com/us/cornell/2017/01/20/cornells-title-ix-investigator-investigation-gender-bias-4563>

<sup>37</sup> <https://www.thecollegefix.com/cornell-denies-student-his-ph-d-and-may-expel-him-for-allegedly-defending-professor-against-rape-claim/>

<sup>38</sup> <http://www.foxnews.com/us/2018/03/12/college-student-kicked-out-class-for-telling-professor-there-are-only-two-genders.html>

<sup>39</sup> <https://www.andrewlawton.ca/pro-free-speech-professor-rick-mehta-fired-by-acadia-university/>

<sup>40</sup> <https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>

<sup>41</sup> <https://pjmedia.com/trending/students-demand-professor-fired-after-he-champions-due-process-says-accusers-sometimes-lie/>

<sup>42</sup> <https://www.washingtontimes.com/news/2019/jan/7/peter-boghossian-portland-state-univ-professor-fac/>

## JURISDICTION

We hereby submit this complaint unto the joint jurisdiction of the Department of Education and the Department of Justice. There is language in the Case Processing Manual [DOE: OCR] which supports such joint jurisdiction and there is also precise precedent for co-prosecution.<sup>43</sup>

## LEGAL THEORY

The Supreme Court prohibits gender discrimination against men. In *Craig v. Boren*, the Supreme Court criticized the use of sex in a statute that prohibited vendors from denying only to males the option to purchase a higher alcohol content beer.<sup>44</sup> The Court found the statute's reliance on "broad sociological propositions by statistics ... a dubious business, and one that inevitably is in tension with the normative philosophy that underlies the Equal Protection Clause."<sup>45</sup> Original and appellate courts have proscribed sex discrimination against men as well as women,<sup>46</sup> and decisions have been based on different laws and statutes including Title IX, Title VI, Title VII and the Fourteenth and Fifth Amendments.<sup>47</sup>

The Supreme Court has consistently rejected "overbroad generalizations about the different talents, capacities or preferences of males and females" as a basis for sex classifications in other state and federal laws.<sup>48</sup> In *Mississippi Univ. for*

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<sup>43</sup> <https://www2.ed.gov/documents/press-releases/montana-missoula-letter.pdf>

<sup>44</sup> *Craig v. Boren*, at p. 204.

<sup>45</sup> *Ibid.* at p. 210. "We conclude that the gender-based differential contained in Okla. Stat., Tit. 37, § 245 (1976 Supp.) constitutes a denial of the equal protection of the laws ... and reverse the judgment of the District Court." The Court allowed the vendor to "rely upon the equal protection objections of males 18-20 years of age to establish her claim of unconstitutionality of the age-sex differential." *Id.* at pp. 192-93.

<sup>46</sup> *Craig v. Boren*, 429 US 190, 202, 204 (1976) ("Indeed, prior cases have consistently rejected the use of sex as a decision-making factor even though the statutes in question certainly rested on far more predictive empirical relationships than this."); *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 582 US \_\_\_, 198 L. Ed. 2d 150 (2017) (invalidating a law that treated men less favorably than women in determining citizenship); *Orr v. Orr*, 440 U.S. 268 (1979) (invalidating Alabama statute that imposed alimony obligations on husbands, but not wives); *Caban v. Mohammed*, 441 U.S. 380 (1979) (invalidating New York statute that required the consent of the mother, but not the father, to permit the adoption of an illegitimate child).

<sup>47</sup> In *Glenn v. Brumby*, 663 F. 3d 1312 (11th Cir. 2011) the Eleventh Circuit drew upon U.S. Supreme Court cases interpreting Title VII to reach its conclusion in favor of the plaintiff, even though the plaintiff chose to pursue only a remedy for the Fourteenth Amendment violation.

<sup>48</sup> *United States v. Virginia*, 518 U.S. 515, 533 (1996) (denying women admission to a state military institute); see also, *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 582 US \_\_ (2017) (invalidating law that effectively treated men less favorably than women in acquiring U.S. citizenship); *Weinberger v.*

*Women v. Hogan (Hogan)*,<sup>49</sup> the Supreme Court held that denying men enrolment in a nursing program was impermissible gender classification under the Equal Protection Clause of the Fourteenth Amendment.<sup>50</sup> Though the issue concerned an equal protection challenge,<sup>51</sup> the decision is helpful in evaluating whether Cornell's sex restriction for certain benefits is reasonable. In *Hogan*, the Supreme Court reasoned that a sex classification must be

...determined through reasoned analysis rather than through the mechanical application of traditional, often inaccurate, assumptions about the proper roles of men and women. Care must be taken in ascertaining whether the statutory objective itself reflects archaic and stereotypic notions. Thus, *if the statutory objective is to exclude or "protect" members of one gender because they are presumed to suffer from an inherent handicap or to be innately inferior, the objective itself is illegitimate* [italics added]<sup>52</sup>

*Mississippi Univ. for Women v. Hogan*, 458 U.S. 7, 18, 724 (1982)

Circuit courts agree with this normative philosophy and expanded upon the use of Title IX to eliminate discrimination against men. The Second Circuit of Appeals has clarified that discrimination against men is unconstitutional even in the absence of malicious intent *and* even for a short period of time.<sup>53</sup> The Sixth Circuit of Appeals has clarified that unlawful anti-male bias can be inferred when the overwhelming majority of the impacted parties are male.<sup>54</sup>

The plain language of Title IX, predicated in 34 CFR §106, prohibits any institution from funding/sponsoring discriminatory scholarships, programs,

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*Wiesenfeld*, 420 U. S. 636, 640-41, 653 (1975) (invalidating federal law that denied benefits to male single parents, but allowed benefits for females).

<sup>49</sup> *Mississippi Univ. for Women v. Hogan*, 458 U.S. 7, 18, 724 (1982)

<sup>50</sup> *Ibid.*, at pp. 720-21, quoting *Wengler v. Druggists Mutual Ins. Co.*, 446 U. S. 142, 150 (1980).

<sup>51</sup> *Ibid.*, at p. 730. Under the Equal Protection Clause, the discriminating entity must be a government or state actor and must show the gender classification serves "important governmental objectives and that the discriminatory means employed" are "substantially related to the achievement of those objectives." *Ibid.* at p. 724. Claims may be brought under both Title IX and for violations of equal protection under 42 USC § 1983. *Fitzgerald v. Barnstable School Committee*, 555 U.S. 246, 129 S.Ct. 788, 790 (2009)

<sup>52</sup> *Ibid.*, at pp. 724-725.

<sup>53</sup> "A defendant is not excused from liability for discrimination because the discriminatory motivation does not result from a discriminatory heart, but rather from a desire to avoid practical disadvantages that might result from unbiased action. A covered university that adopts, even temporarily, a policy of bias favoring one sex over the other in a disciplinary dispute, doing so in order to avoid liability or bad publicity, has practiced sex discrimination, notwithstanding that the motive for the discrimination did not come from ingrained or permanent bias against that particular sex" (*Doe v. Columbia University*, No. 15-1536, 2<sup>nd</sup> Circuit 2016, p. 26, footnote 11).

<sup>54</sup> "The statistical evidence that ostensibly shows a pattern of gender-based decision-making and external pressure on Miami University supports at the motion-to-dismiss stage a reasonable inference of gender discrimination ... nearly ninety percent of students found responsible for sexual misconduct between 2011 and 2014 have male first-names" (*Doe v. Miami University*, No. 17-3396, 6<sup>th</sup> Circuit 2018, p. 15).

fellowships and initiatives.<sup>55</sup> Title IX prohibits recipients from listing, soliciting, approving, sponsoring discriminatory scholarships even if they are entirely external to the University.<sup>56</sup> Even *listing* discriminatory scholarships is in express violation of Title IX: nothing in the language of 34 CFR §106 suggests that an institution is allowed to *mention* a discriminatory scholarship or program on its webpages.<sup>57</sup> Title IX prohibits discrimination in terms of counselling.<sup>58</sup> Title IX prohibits discrimination in terms of health benefits.<sup>59</sup> Title IX prohibits any kind of *preference* for admission in any educational entity, or its substituent chapters.<sup>60</sup> In determining whether discrimination occurs, Title IX requires an assessment of the *overall effect*.<sup>61</sup> Fraternities and sororities are exempt from Title IX, but professional clubs are not.<sup>62</sup>

There are even narrower Title IX precedents for this complaint. For example, Michigan State University converted a women-only study space in the Michigan Union to a gender-neutral lounge, following a Title IX complaint.<sup>63</sup> Texas A&M University was subject to a Title IX complaint because it eliminated its last male-only dorm while preserving multiple female-only dorms.<sup>64</sup> The press has reported that the Department of Education is investigating Yale University,<sup>65</sup> the University of Southern California,<sup>66</sup> and Tulane University<sup>67</sup> for similar Title IX violations. The Oregon Department of Education compelled South Eugene High School to replace the title “Axemen” with “Axe” in order to promote inclusivity.<sup>68</sup> In a previous Title IX precedent, the University of Southern California agreed to change the name of the “Center

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<sup>55</sup> Such is the overall intent of CFR § 106.

<sup>56</sup> CFR § 106.37.

<sup>57</sup> 34 CFR §106.37(a)(2) expressly prohibits even *listing* any outside organization’s offerings to its “students in a manner which discriminates on the basis of sex. In reading 106.31(b)(6) and 106.37(a)(2) together, “significant assistance” would thus include the mere listing of a sex-discriminatory offering.

<sup>58</sup> CFR § 106.36.

<sup>59</sup> CFR § 106.39.

<sup>60</sup> CFR § 106.22.

<sup>61</sup> CFR § 106.37.

<sup>62</sup> As per an internal memorandum from 1989, which makes a distinction between *social* and *professional* clubs:

<https://www2.ed.gov/about/offices/list/ocr/docs/memo-re-fraternities-and-sororities.pdf>

In a more general sense, there is a balancing effect between the fraternities and sororities of Cornell University, even if both fraternities and sororities are sex-exclusive. Cornell offers a plethora of *professional* clubs for the female majority, with no equivalent programs for the male minority. As such, the overall effect is discriminatory against men.

<sup>63</sup> [https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm\\_term=.e559327d8b60](https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm_term=.e559327d8b60)

<sup>64</sup> <https://www.thecollegefix.com/post/31646/>

<sup>65</sup> <https://www.campusreform.org/?ID=10899>

<sup>66</sup> <https://www.campusreform.org/?ID=10931>

<sup>67</sup> <https://www.breitbart.com/tech/2018/09/13/tulane-facing-education-department-investigation-for-female-only-scholarships/>

<sup>68</sup> [http://www.oregonlive.com/education/index.ssf/2018/02/eugene\\_officials\\_chop\\_south\\_eu.html](http://www.oregonlive.com/education/index.ssf/2018/02/eugene_officials_chop_south_eu.html)

for Women and Men” (implying a hierarchy of victimhood) into “Relationship and Sexual Violence Prevention Services.” The gender-neutral title had a substantial, positive effect on male participation in the Center.<sup>69</sup> In a different precedent, Stanford University agreed that female-only gym training hours constitute a violation of Title IX and offered to create male-only gym training hours to create a sense of balance.<sup>70</sup> Tulane University is moving towards transforming a female-only institute and opening its programs to both sexes.<sup>71</sup> Also worth mentioning is Minnesota State University’s decision to open three female-only scholarships to both sexes.<sup>72</sup>

Nowhere in this complaint do we infer discrimination based on disproportionate enrolment alone.<sup>73</sup> The fact that these scholarships and programs are endorsed as “women only” is sufficient, in and of itself, to infer disparate treatment. Such endorsement has a clearly dissuasive effect on males. This effect is akin to a German campus rejecting Jewish applicants in excess of the maximum quota<sup>74</sup> or state-sanctioned hate speech against non-Muslims in Saudi Arabia<sup>75</sup> or indeed, the “separate but equal” doctrine struck down in *Brown v. the Board of Education*. These exclusionary practices create a hostile environment against prospective male applicants. As per United States policy, hostile environment can occur even in the absence of intent to harm or even if the hostility is not directed at a particular target. Nor does hostile environment require sexual intent: gender animus or hostility based on sexual stereotypes is sufficient to trigger Title IX liability (*Dear Colleague Letter*, 2010, p. 8).<sup>76</sup> This includes situations in which “students are harassed for exhibiting what is perceived as a stereotypical characteristic for their sex” (*ibid*). For example, men who stereotyped and vilified on account of their masculinity are protected by Title IX.

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<sup>69</sup> In 2014, only 71 male students used the *Center for Women and Men* throughout the academic year. By 2016, this number had increased to 1943 male students (Title IX Complaint Against the University of Southern California, Docket #09-16-2128, p. 21).

<sup>70</sup> “The University informed OCR that it has modified the weightlifting program. It has now instituted both “men-focused” and “women-focused” weightlifting hours, which are open to all students regardless of gender. Both weightlifting sessions are open for the same amount of time two times a week” (Title IX Complaint Against Stanford University, Docket #09-18-2175, p. 1).

<sup>71</sup> “The decision to expand programming had unanimous support of the Newcomb Foundation Board and the Tulane Board of Administrators.” <https://tulanehullabaloo.com/44537/news/complaint-filed-against-nci-for-discrimination-against-men/#comment-809>

<sup>72</sup> <http://www.wctrib.com/news/education/4523708-rules-women-only-grants-changed-after-mans-discrimination-charge-university>

<sup>73</sup> The ratio of female/male enrolment is relevant only in terms of determining the “underrepresented sex.” Women are no longer the “underrepresented sex” in colleges.

<sup>74</sup> *The Law against Overcrowding in Schools and Universities*:  
[https://link.springer.com/chapter/10.1007%2F978-3-0348-9008-3\\_12](https://link.springer.com/chapter/10.1007%2F978-3-0348-9008-3_12)

<sup>75</sup> <https://www.aljazeera.com/news/2017/09/hrw-saudi-arabia-hate-speech-target-minorities-170926082722213.html>

<sup>76</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420.pdf>

Given the *overall effect*, no reasonable person would inquire whether it is necessary to identify any male students who have specifically applied to these programs (and who have specifically received rejections) before the United States can take corrective action against the discrimination. DOJ/DOE must not inquire whether any futile applications have been made to these exclusionary programs before issuing injunctive relief against them.

Supreme Court doctrine is unambiguous on this question: in the presence of clearly discriminatory practices, the victims of discrimination are not the small class of people who “subject themselves to personal rebuffs” but all persons who are negatively effected despite their “unwillingness to engage in a futile gesture.” Put in other words, the United States cannot limit itself to offering redress to men who specifically apply to programs and offerings which refer to themselves as “Women Only” (or which maintain all-female compositions despite meaningless disclaimers or ambiguous language).

If an employer should announce his policy of discrimination by a sign reading "Whites Only" on the hiring-office door, his victims would not be limited to the few who ignored the sign and subjected themselves to personal rebuffs. The same message can be communicated to potential applicants more subtly but just as clearly by an employer's actual practices - by his consistent discriminatory treatment of actual applicants, by the manner in which he publicizes vacancies, his recruitment techniques, his responses to casual or tentative inquiries, and even by the racial or ethnic composition of that part of his work force from which he has discriminatorily excluded members of minority groups. When a person's desire for a job is not translated into a formal application solely because of his unwillingness to engage in a futile gesture he is as much a victim of discrimination as is he who goes through the motions of submitting an application.

*Teamsters v. United States*, 431 U.S. 324, 365 (1977)<sup>77</sup>

The analogy presented herein (comparing “Whites Only” programs to “Women Only” programs) is legally binding. The Congress made little meaningful distinction between sexual discrimination and racial discrimination in qualifying the Civil Rights Act of 1964.<sup>78</sup> Another binding Supreme Court precedent which rules out the necessity of identifying an entire class before challenging openly discriminatory policies is *Weinberger v. Wiesenfeld* (1975). In this precedent, the Supreme Court upheld a district court ruling in which a single widower was granted standing to challenge (and strike down) an openly discriminatory policy:

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<sup>77</sup> <https://supreme.justia.com/cases/federal/us/431/324/>

<sup>78</sup> The analogy is legally binding because Title IX, which prohibits discrimination on the basis of sex in educational institutions, uses the language of Title VI, which prohibits discrimination on the basis of race or national origin. 117 CONG. REC. 30,156 (1971).

“Wiesenberg applied for social security benefits for himself and his son, and was told that his son could receive them but that he could not. [...] He claimed that the relevant section of the Social Security Act unfairly discriminated on the basis of sex and sought summary judgement. [...] Appellee filed this suit in February 1973, *claiming jurisdiction under 28 U.S.C. 1331, on behalf of himself and of all widowers similarly situated. [emphasis added]*. He sought a declaration that 402 (g) is unconstitutional to the extent that men and women are treated differently, an injunction restraining appellant from denying benefits under 402(g) solely on the basis of sex, and payment of past benefits [...] After the three-judge court determined that it had jurisdiction, it granted summary judgement in favor of appellee, and issued an order giving appellee the relief he sought.”

*Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)<sup>79</sup>

There are other very real and very pressing reasons which make it not only impractical but also impossible to identify a class of grievants, or even individual male complainants. Male students/professors who raise such concerns are often silenced with extreme prejudice. Lake Ingle, a male student, was kicked out of class in Indiana University for engaging in civil disagreement with a radical feminist professor (March 2018).<sup>80</sup> A board member at the University of Virginia (Fred W. Scott Jr.) was forced to resign from his position because he criticized female-only programs at the University (August 2018).<sup>81</sup> A male professor (Rick Mehta) was fired from Acadia University because of “sexist” comments (September 2018).<sup>82</sup> Catholic University of America suspended a male dean for merely questioning Julie Swetnick, who made allegations of harassment against the Supreme Court nominee, Brett Kavanaugh (October 2018).<sup>83</sup> When the cost of free speech is so high and the chilling effect is so potent, it would be unreasonable to shift the burden of gathering such elusive evidence upon the complaining parties.

Another obstacle is institutional resistance. Institutions often conceal or resist the disclosure of vital civil rights data in order to avoid legal liability, making it even more impractical for a reasonable complainant to obtain such evidence.

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<sup>79</sup> <https://supreme.justia.com/cases/federal/us/420/636/#tab-opinion-1951258>

<sup>80</sup> <http://www.foxnews.com/us/2018/03/12/college-student-kicked-out-class-for-telling-professor-there-are-only-two-genders.html>

<sup>81</sup> “There are no United White People College Funds or White Students' Alliances or Men Against Drunk Driving. Even at a ‘tolerant university’ ... especially there! Women's Initiative [sic]. We both support it. Is there a Men's Initiative???”

<https://www.insidehighered.com/quicktakes/2018/09/06/uva-center-board-member-resigns-after-explaining-why-women-didnt-want-go-shoe>

<sup>82</sup> <https://www.andrewlawton.ca/pro-free-speech-professor-rick-mehta-fired-by-acadia-university/>

<sup>83</sup> <https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>

For example, Georgetown University has resisted the disclosure of such data in the past.<sup>84</sup> Likewise, Yale University resisted federal directives<sup>85</sup> and destroyed crucial information during a pending lawsuit.<sup>86</sup> While a student complainant was able to obtain data about Stanford's discriminatory policies in financial aid distribution, this data surfaced only accidentally and is not available on a routine basis.<sup>87</sup> The United States can easily overcome this problem by requesting copies of internal complaints filed with Cornell University, in addition to conducting unbiased polls and interviews (both with Cornell students, and with the public at large) to solicit public opinion.

The complaint is timely because all programs listed below involve ongoing and systematic gender discrimination. Moreover, we are requesting indefinite waivers on each and every allegation. DOE: OCR<sup>88</sup> and DOJ: CRD<sup>89</sup> can reopen "cold" cases whenever proper (even if they were previously dismissed) and waive the deadline under a series of circumstances. Specifically, cases are reopened whenever there is compelling national interest and/or overwhelming public support behind the issue. There is indeed compelling national interest in stopping the demographic decline of men in the higher education system. An undereducated class of men are more likely to end up in criminal activity, less likely to support their dependents, and less likely to support the infrastructure of the nation.

Moreover, significant public support exists behind the public policy proposed herein. For example, after Yale University was placed under a similar investigation, an article by Fox News gathered 1,500+ positive comments.<sup>90</sup> A video by Stephanie Hamill received 1.4 million views.<sup>91</sup> Two articles about similar complaints (published on Campus Reform) were shared 12,000+ times

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<sup>84</sup> "Repeated attempts to obtain data on any gender inequity at Georgetown have been rebuffed or ignored by campus officials." <https://www.thecollegefix.com/georgetown-creates-task-force-to-advance-gender-equity-but-refuses-to-discuss-gender-statistics/>

<sup>85</sup> "Despite the Trump administration's reversal of Obama-era policies encouraging schools to use affirmative action to diversify their student bodies, Yale will continue to use race as a factor in admissions." <https://yaledailynews.com/blog/2018/07/05/yale-to-continue-using-race-in-admissions-defying-trump-administration/>

<sup>86</sup> "The destruction of those notes could be a violation of federal law, legal experts say." <https://yaledailynews.com/blog/2018/09/21/legal-experts-yale-may-have-violated-clery-act/>

<sup>87</sup> <https://www.sfchronicle.com/education/article/Stanford-University-data-glitch-exposes-truth-12396695.php>

<sup>88</sup> <https://www.algemeiner.com/2018/09/07/education-dept-to-probe-whether-rutgers-university-tolerates-hostile-environment-for-jewish-students/>

<sup>89</sup> <https://www.thecrimson.com/article/2018/5/23/yir-admissions-analysis/>

<sup>90</sup> Please refer to p. 102 in the survey.

[https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/7dh1943i0z/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/7dh1943i0z/econTabReport.pdf)

<sup>91</sup> <https://www.facebook.com/Americanvoicesthedailycaller/videos/683586881973534/>

on social media.<sup>92</sup> 61% of male students at Yale University agree (at least in part) with the operational logic of the complaint, according to at least one poll conducted by Yale itself, and 26% of male students believe they were specifically victims of anti-male discrimination themselves.<sup>93</sup> According to recent poll conducted by YouGov, 69% of all Americans believe that men face discrimination to some extent. 74% of men believe that such discrimination occurs, while 63% of women agree that men face some degree of discrimination (p. 102).<sup>94</sup> There are other examples of the American public reacting sharply against anti-male policies. For example, a YouTube video about a Gillette ad has garnered more than a million negative votes, despite anecdotal concerns that YouTube may be using botware to boost positive votes.<sup>95</sup> Given such popular support, no agent of the United States has the liberty to shirk his/her duty to the democratic will of the people by refusing to prosecute complaints of this kind.

The complaint seeks to eliminate gender discrimination against men without jeopardizing the civil rights of women. When injunctive relief is granted, the female majority will still be able to compete with the male minority on equal footing.

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<sup>92</sup> <https://www.campusreform.org/?ID=11249> && <https://www.campusreform.org/?ID=10899>

<sup>93</sup> <https://yaledailynews.com/blog/2018/09/16/mens-rights-move-in-on-yale/>

<sup>94</sup> [https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/7dh1943i0z/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/7dh1943i0z/econTabReport.pdf)

<sup>95</sup> <https://www.youtube.com/watch?v=koPmuEyP3a0>

## LIST OF EXCLUSIONARY PROGRAMS

This list includes some exclusionary programs and scholarships, external or internal, active as of October 2018. The list is neither exhaustive nor final: OCR should request information regarding *all* women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Cornell University.<sup>96</sup> Title IX also prohibits discrimination in programs which are externally funded if these programs receive any kind of endorsement/assistance by Cornell. This includes mere *listing*.<sup>97</sup> There are no male-only programs operative at Cornell University which can balance the female-only programs listed herein.

1. **Cornell University** violates Title IX by expressing an unlawful preference for women in its employment/hiring practices.

a. **Cornell's 6.6.1 Policy** defines "women" as beneficiaries of affirmative action (p. 6).<sup>98</sup> Moreover, Cornell's **Affirmative Action Statement** lists "women" as beneficiaries.<sup>99</sup> A general sense of bias can be inferred from these definitions.

b. A more precise breakdown of Cornell's affirmative action policies can be found in an **Annual Initiatives Spreadsheet**. Cornell implements affirmative action for women in disciplines wherein they are allegedly underrepresented,<sup>100</sup> even though women are the majority of the students and the professoriate and even though Cornell does not implement affirmative action for men in the fields wherein they are underrepresented. The following departments engage in discrimination against men by citing affirmative action for women:

i. **Faculty of Computing and Information Science:**  
"we will continue a program of actions aimed at

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<sup>96</sup> "The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations" (Case Processing Manual, p. 20). OCR must use its discretion in a manner which maximizes its opposition to civil rights violations against men, consistent with the intentionality of Supreme Court doctrine. If OCR chooses to narrow the scope of its discretion, OCR must state the reasons behind the decision. Please note that OCR is already using its discretion to launch compliance reviews against institutions that allegedly engage in discrimination against women. Therefore, OCR's refusal to launch compliance reviews to combat discrimination against men (while launching such reviews to combat alleged discrimination against women) may be actionable under Title IX.

<sup>97</sup> 34 CFR §106.37(a)(2).

<sup>98</sup> [https://www.dfa.cornell.edu/sites/default/files/vol6\\_6\\_1.pdf](https://www.dfa.cornell.edu/sites/default/files/vol6_6_1.pdf)

<sup>99</sup> <https://hr.cornell.edu/sites/default/files/documents/president.pdf>

<sup>100</sup> <https://diversity.cornell.edu/sites/default/files/uploaded-files/Annual%20Initiatives%202017-2018%20v5.pdf>

increasing the number of current and prospective women and URMs in our undergraduate programs” (p. 7). This extends to undergraduate and graduate students, as well as faculty.

- ii. **College of Engineering** (p. 9). Affirmative action is offered to speakers and “application pool” through a multi-year program.
- iii. **Graduate School**. Affirmative action for “women in some fields” (p. 10).
- iv. **School of Hotel Administration** (p. 12). The language suggests unconstitutional quotas.
- v. **SC Johnson School of Management** (p. 16). “The Office of Diversity and Inclusion in conjunction with the Admissions Office seeks to increase the percentage of URMs and women in the 2-year MBA program.”
- vi. **Cornell Law School** (p. 17). “Increasing the gender and racial diversity of the faculty.” Discrimination in hiring practices also implied.

**2. Feminist, Sexuality, and Women’s Studies** at Cornell University violates Title IX.<sup>101</sup> While the *overall effect* is hostile, we propose the following criteria for analysis.

- a. There is no Men’s Studies Department at Cornell University.<sup>102</sup>
- b. The name of the department invokes women only.
- c. The program’s emphasis on “feminism” augments an inference of bias.<sup>103</sup> “Feminism” is defined as “organized activity on behalf of women's rights and interests.”<sup>104</sup> Moreover, women who strongly identify as feminists are more likely to sacrifice men in ethical dilemmas, according to sociological studies on the subject.<sup>105</sup>

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<sup>101</sup> <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/>

<sup>102</sup> The creation of a Men’s Studies program is not a hypothetical request and there are many intellectuals, academics, and activists who would be interested in teaching gender issues from this specific perspective. These activists believe their perspectives are distinct enough to constitute a separate branch, instead of integration into current Women’s Studies curriculum. We can file a formal petition with Cornell University to create such a program and submit a preliminary curriculum, if required. Likewise, there are students who would be interested in taking such courses.

<sup>103</sup> For example, their factsheet refers to feminism throughout:

<https://www.cornellcollege.edu/academics/pdfs/factsheets/GenderSexualityWomensStudiesFacts.pdf>

<sup>104</sup> <https://www.merriam-webster.com/dictionary/feminism>

<sup>105</sup> See, e.g., van Breen, Jolien A et al. “Subliminal Gender Stereotypes: Who Can Resist?” *Personality & social psychology bulletin* 146167218771895. To quote: “We found that subliminal exposure to

Therefore, the program creates a miasma of bias against men on campus.

- d. The mission statement and learning objectives explicitly stipulate “feminism,” which means that any individual who does not subscribe to feminist ideology cannot attend this program (nor teach at the program).<sup>106</sup> This creates an unlawful chilling effect upon the First Amendment rights of prospective students/scholars.
- e. Men are severely underrepresented among the professoriate (2/9).<sup>107</sup> All alumnae endorsed on the program webpage are women (6/6).<sup>108</sup>
- f. All internet resources listed on the departmental website refer to “women” and “feminism.” There are no references to men.<sup>109</sup>
- g. The history of the program clearly portrays it as a department designed for women.<sup>110</sup>

**3. Cornell Women’s Resource Center** violates Title IX.<sup>111</sup> While the *overall effect* is hostile, we propose the following criteria for analysis.

- a. There is no Men’s Resource Center at Cornell University.
- b. The name refers to women, but not men.
- c. The plain language is discriminatory against men.<sup>112</sup>

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stereotypes (vs. counter-stereotypes) led *women who identify relatively strongly with feminists*, but less strongly with women, to (a) persist in a math task, (b) show increased willingness to sacrifice men in a Moral Choice Dilemma task, and (c) show implicit in-group bias on an evaluative priming task” (abstract). The moral dilemma involves loss of life: “In four scenarios, participants are asked to sacrifice a man to save several others (of unspecified gender), and in four other scenarios they are asked to sacrifice a woman.”

<sup>106</sup> Some prescriptive statements from their homepage are as follows. “You will be asked to explore the intersections of gender, race, ethnicity, culture, class, sexuality, and nationality. You will also study forms of oppression, including sexism, heterosexism, racism, classism, ageism, ableism, and colonialism, as well as forms of bias that contribute to limited or distorted views of women's lives.” This is a prescriptive stipulation which limits the First Amendment rights of prospective applicants. <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/>

<sup>107</sup> <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/faculty/index.shtml>

<sup>108</sup> <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/careers-and-graduate-study/index.shtml>

<sup>109</sup> <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/resources-students/index.shtml>

<sup>110</sup> <https://www.cornellcollege.edu/gender-sexuality-and-womens-studies/history/index.shtml>

<sup>111</sup> <https://dos.cornell.edu/womens-resource-center>

<sup>112</sup> “The WRC champions endeavors that support *women's* education, empowerment, and advancement at Cornell and beyond. The WRC strives to be a welcoming space for people of all genders and identities. We especially encourage *women of color*, *black feminists/womanists*, queer and trans folks, and people with disabilities to drop by, attend our programming, apply for co-sponsorships, and speak with us about your concerns.” The plain language therefore suggests that while the Center is accessible to women and LGBT groups, it is not open to men.

<https://dos.cornell.edu/womens-resource-center>

- d. All programs funded through the Center (and the funding is substantial) refer to women’s groups, but there are no references to men’s groups.<sup>113</sup>
  - e. The Center hosts a library which focuses on “women’s history, feminist theory, gender and sexuality studies.”<sup>114</sup> There is no equivalent archival service which focuses on men and scholarship for men’s rights.
4. Weill Cornell Medicine violates Title IX by funding/endorsing the **Women’s Heart Program**.<sup>115</sup>
- a. The name refers to women only.
  - b. There is no equivalent program at Cornell University which focuses on the cardiological needs of men. This is despite the fact that men are twice more likely to have heart attacks through life than women.<sup>116</sup> Also, men are more susceptible to heart diseases than women.<sup>117</sup>
  - c. The plain language is discriminatory against men.<sup>118</sup>
  - d. All four physicians in the program are women.<sup>119</sup>
5. Weill Cornell Medicine violates Title IX by funding/endorsing the **Iris Cantor Women’s Health Center**.<sup>120</sup>
- a. The name refers to women only.
  - b. There is no Men’s Health Center at Cornell University.
  - c. The plain language is discriminatory against men.<sup>121</sup>
  - d. There is no balancing *overall effect*. Weill Cornell Medicine does offer a list of programs and services which are

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<sup>113</sup> Examples include: “(not so) Average Women, Black Women’s Support Network, I Love Female Orgasm, *Las Femmes de Substance*, Women of Color Coalition, Building Ourselves through Sisterhood and Service, Scientista, Smart Women Securities, Society for Women in Business, Women in Healthcare Leadership.”

<sup>114</sup> <https://dos.cornell.edu/womens-resource-center/funding-sponsorship>

<sup>115</sup> <https://dos.cornell.edu/womens-resource-center/search-our-collection>

<sup>116</sup> <https://cardiology.weillcornell.org/clinical-services/womens-heart>

<sup>117</sup> <https://www.health.harvard.edu/heart-health/throughout-life-heart-attacks-are-twice-as-common-in-men-than-women>

<sup>118</sup> <https://www.telegraph.co.uk/men/active/mens-health/11723374/Why-do-men-suffer-more-heart-problems-than-women.html>

<sup>119</sup> “The cardiologists at Weill Cornell Medicine’s Women’s Heart Program are experts in caring for women’s unique cardiovascular health needs. Our mission is to identify women at increased risk for heart disease, prevent disease development and progression, as well as improve overall health and social wellbeing.”

<sup>120</sup> <https://cardiology.weillcornell.org/clinical-services/womens-heart>

<sup>121</sup> *Ibid.*

<sup>122</sup> <https://weillcornell.org/services/iris-cantor-womens-health-center>

<sup>123</sup> “The Iris Cantor Women’s Health Center offers one of the most comprehensive arrays of healthcare services designed specifically for women in New York City.”

available to both men and women. For example, the Reproductive Medicine program does not violate Title IX because it offers health services to both men and women. Likewise, Weill Cornell offers two sex-specific programs (Urology and Gynaecology) which have an overall balancing effect. The reason Women's Health Center violates Title IX is because there is no equivalent program which specializes in men's health issues.<sup>122</sup>

**6. The Weill Cornell Psychiatry Specialty Center** violates Title IX because it denies services to men.<sup>123</sup>

- a. The plain language is discriminatory. The Center lists the following populations as healthcare recipients: "children, teens, *women*, families, couples, older adults." Adult, unmarried men are not included.<sup>124</sup>
- b. Weill Cornell offers no equivalent psychiatric service elsewhere.<sup>125</sup>
- c. Men are underrepresented among psychiatrists (6/21).<sup>126</sup> While disproportionate enrollment does not state a Title IX violation per se, this imbalance is probative in terms of understanding Allegation 6a.<sup>127</sup>

**7. President's Council of Cornell Women** violates Title IX.<sup>128</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. All members are women.<sup>129</sup>
- d. The program uses substantial funding. For example, they have raised at least \$297 million.<sup>130</sup>
- e. The program offers scholarships which are available for women only.<sup>131</sup>

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<sup>122</sup> <https://weillcornell.org/services>

<sup>123</sup> <https://weillcornell.org/services/psychiatry>

<sup>124</sup> <https://weillcornell.org/services/psychiatry/weill-cornell-psychiatry-specialty-center/about-the-center/populations-we-serve>

<sup>125</sup> <https://weillcornell.org/services>

<sup>126</sup> <https://weillcornell.org/services/psychiatry/weill-cornell-psychiatry-specialty-center/our-care-team>

<sup>127</sup> Put in other words, Weill Cornell Psychiatry Specialty Center violates Title IX not by refusing to recruit men but because it denies services to single men. Injunctive relief would consist of compelling the Center to offer services to single men.

<sup>128</sup> <https://alumni.cornell.edu/volunteer/leadership/pccw/>

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

<sup>131</sup> <https://alumni.cornell.edu/volunteer/leadership/pccw/mission-and-history/>

- f. The mission statement clearly excludes men.<sup>132</sup>
- g. PCCW receives substantial assistance from Cornell University. Specifically, it uses the Cornell logo (which confers a reputational benefit) and its events use campus space. Moreover, the organic relationship between Cornell University and PCCW can be gleaned from their mission statement.<sup>133</sup> The organization was created by Cornell trustees.<sup>134</sup>

## 8. Cornell Center for Women, Justice, Economy, Technology violates Title IX.<sup>135</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. The Faculty Director is a woman and so is the Chair.<sup>136</sup> The mission statement mentions women only and also makes it clear that the program receives substantial assistance from Cornell.<sup>137</sup>
- d. The Center violates Title IX by offering a free online program to women, but not men.<sup>138</sup>

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<sup>132</sup> "To champion *women* students, faculty, staff, and *alumnae* as they lead within their fields at Cornell University and across the world." *Ibid.*

<sup>133</sup> "The President's Council of Cornell Women (PCCW) was founded in 1990 by then-President Frank H. T. Rhodes with the guiding leadership of trustees Lilyan Affinito '53 and Patricia Carry Stewart '50. It has since grown into a group of highly accomplished *alumnae* working to champion *women* students, faculty, staff, and *alumnae* as they lead within their fields at Cornell University and across the world, by:

- (1) Achieving alignment with the president on those issues of greatest importance to Cornell *women*,
- (2) Engaging accomplished *alumnae* by strengthening their ties to each other and to Cornell,
- (3) Offering guidance to and serving as role models for Cornell *women*,
- (4) Providing financial support for Cornell *women* through PCCW grants and scholarships,
- (5) Initiating and supporting programs that attract and retain Cornell *women* students/faculty/staff, develop their leadership skills, and enhance their overall quality of life."

<https://alumni.cornell.edu/volunteer/leadership/pccw/mission-and-history/>

<sup>134</sup> *Ibid.*

<sup>135</sup> <https://www.lawschool.cornell.edu/womenandjustice/About-Us/Our-Work.cfm>

<sup>136</sup> <https://www.lawschool.cornell.edu/womenandjustice/About-Us/index.cfm>

<sup>137</sup> "The Mission of Cornell Center for Women (JET) is to work on initiatives relating to women, justice, the economy and technology. Cornell Women (JET) brings together representatives ... to improve women's access to justice, economic opportunity and social progress. The Center began in 2009 with a generous grant from the Avon Foundation for Women. Since then it has undertaken several major initiatives ... The Center continues to expand its scope with the launch of Cornell Tech to harness the power of technology to promote and secure women's economic and social progress" (*Ibid.*).

<sup>138</sup> "Women entrepreneurs can apply for the online program, which will be offered at no cost." <https://www.lawschool.cornell.edu/womenandjustice/Clinical-Projects/Clinical-Projects.cfm>

- e. The Center violates Title IX by perpetuating negative stereotypes about masculinity.<sup>139,140</sup> This stereotyping has a chilling effect on male victims and creates a prejudicial effect against accused men. Men and women experience sexual victimization at equal rates<sup>141</sup> and the overwhelming majority of male victims report female perpetrators.<sup>142</sup>

**9. The Dorothea S. Clarke Program in Feminist Jurisprudence violates Title IX.<sup>143</sup>**

- a. The emphasis on women is discriminatory against male applicants.
- b. The emphasis on feminism curtails the First Amendment rights of prospective applicants.
- c. The two professors to hold this endowment were both women.<sup>144,145</sup>

**10. Cornell Women in Leadership Class violates Title IX.<sup>146</sup>**

- a. The name refers to women only.
- b. The classes explore issues that would only interest women.
- c. Cornell offers no equivalent program for men.
- d. The plain language is discriminatory against men.<sup>147</sup>

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<sup>139</sup> For example, the search criteria used in the Center's publication indicates sexist stereotyping. There are references to *female* genital mutilation, *femicide*, and *female infanticide*. There are no references to violence against men.

<https://www.lawschool.cornell.edu/womenandjustice/Legal-and-Other-Resources/SearchResources.cfm>

<sup>140</sup> A list of resources developed by the Center stereotypes men as perpetrators and women as victims. In addition, even though the majority of prisoners are men worldwide, the Center offers emphasis on advocacy for female prisoners.

<https://www.lawschool.cornell.edu/womenandjustice/Legal-and-Other-Resources/Center-Legal-Analysis.cfm>

<sup>141</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4062022/>

<sup>142</sup> <https://www.sciencedirect.com/science/article/pii/S1359178916301446?via%3Dihub>

<sup>143</sup> [https://scholarship.law.cornell.edu/avon\\_clarke/](https://scholarship.law.cornell.edu/avon_clarke/)

<sup>144</sup> [https://www.lawschool.cornell.edu/alumni/giving/endowed\\_funds/professorships-a-m.cfm#CP\\_JUMP\\_46631](https://www.lawschool.cornell.edu/alumni/giving/endowed_funds/professorships-a-m.cfm#CP_JUMP_46631)

<sup>145</sup> Injunctive relief would thus consist of removing the emphasis on women and feminism as a requirement for the endowment.

<sup>146</sup> <https://www.ecornell.com/certificates/leadership-and-strategic-management/women-in-leadership/>

<sup>147</sup> For example, one of the constituent courses is open only to "*women* who are mid- to-senior level managers, regardless of whether they have a formal team to lead. This course is also meant for *women* who aspire to move into leadership roles and have a minimum 3-5 years professional experience."

<https://www.ecornell.com/courses/leadership-and-strategic-management/women-in-leadership-negotiation-skills/>

**11. The Bank of America Institute for Women’s Entrepreneurship at Cornell** violates Title IX.<sup>148</sup>

- a. The name of the institute refers to women only.
- b. The plain language is discriminatory.<sup>149,150</sup>
- c. Cornell has never pledged to create an institute for men, even though men are the minority of Cornell students. Nor does Cornell offer any affirmative action programs for men in the fields wherein they are underrepresented on a national scale (for example, Law or Medicine or the Humanities).
- d. The program clearly receives funding from Cornell, in addition to using campus resources and the Cornell logo.<sup>151</sup>

**12. Cornell Women in Physics and Related Fields** violates Title IX.<sup>152</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. The plain language is discriminatory against men.<sup>153</sup>
- d. All members are women (40/40).<sup>154</sup>
- e. The organization uses campus space and the Cornell logo, which imparts substantial reputational benefit.

**13. Cornell Johnson School Women in Business** violates Title IX.<sup>155</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men in the MBA program. Nor does Cornell offer any affirmative action programs for men in the disciplines wherein they are underrepresented.
- c. The plain language is discriminatory against men.<sup>156</sup>
- d. All members are women (65/65).<sup>157</sup>

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<sup>148</sup> <https://www.forbes.com/sites/amyguttman/2018/08/31/cornell-bank-of-america-launch-free-courses-for-women-entrepreneurs/#3e4a9955d148>

<sup>149</sup> The course is aimed at “*women* starting and/or building emerging for-profit businesses. The target is to educate 5000 *women* in the next 4 years.” *Ibid.*

<sup>150</sup> “*Women* entrepreneurs can register for the online program, which is offered at no cost.”  
<http://www.bofainstitute.cornell.edu/program.php>

<sup>151</sup> <http://www.bofainstitute.cornell.edu/program.php>

<sup>152</sup> <https://physics.cornell.edu/women-in-physics>

<sup>153</sup> “WiP+ is an informal group of *women* (primarily) supporting other *women*.” *Ibid.*

<sup>154</sup> <https://physics.cornell.edu/sites/physics/files/wip-group-photo.jpg>

<sup>155</sup> <https://www.johnson.cornell.edu/Office-of-Diversity-Inclusion/Women-at-Johnson/Johnson-Women-in-Business>

<sup>156</sup> “Johnson Women in Business (JWIB) is our *female* student hosting event on the Cornell University campus.”

<sup>157</sup> <https://www.johnson.cornell.edu/portals/32/images/ODI/JWIB/JWIB-2018-group-2-833x.jpg>

**14. Cornell Society for Women in Business** violates Title IX.<sup>158</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men in the MBA program. Nor does Cornell offer any affirmative action programs for men in the disciplines wherein they are underrepresented.
- c. The plain language is discriminatory against men.<sup>159</sup>
- d. All board members are women (11/11).<sup>160</sup>
- e. All members of the Emerging Leaders Program are women (22/22).<sup>161</sup>

**15. Cornell Johnson School Women in Tech** violates Title IX.<sup>162</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men in STEM. Nor does Cornell offer any affirmative action programs for men in the disciplines wherein they are underrepresented.
- c. The plain language is discriminatory against men.<sup>163</sup>
- d. All committee members are women (14/14).<sup>164</sup>

**16. Women in Computing at Cornell** violates Title IX.<sup>165</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. All individuals in leadership positions are women (41/41).<sup>166</sup>
- d. All participants are women.<sup>167,168</sup>
- e. The program has a meaningless disclaimer which claims that “all genders are welcome.” But this statement is irrational, given the totality of the circumstances.

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<sup>158</sup> <http://cornellswib.strikingly.com/>

<sup>159</sup> “The Society for Women in Business (SWIB), affiliated with Cornell's Dyson School, is the largest undergraduate business organization for *women* at Cornell, connecting students of all majors with each other and with professional leaders in the business world. We aim to empower talented and intelligent *women* through education and experience.” *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> <https://www.johnsonwomenintech.com/>

<sup>163</sup> “Create a forum for *women* MBAs, industry leaders and advocates.” *Ibid.*

<sup>164</sup> <https://www.johnsonwomenintech.com/2017-committee/>

<sup>165</sup> <https://wicc.acm.org/about>

<sup>166</sup> *Ibid.* [all sections under “Leadership” button].

<sup>167</sup> <https://www.instagram.com/p/Ba48UtGBDFG/>

<sup>168</sup> <https://www.instagram.com/p/BZ6dHooh77f/>

**17. Cornell Real Estate Women** violates Title IX.<sup>169</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. The plain language is discriminatory against men.<sup>170</sup>
- d. All members are women, except the male clerk (6/7).<sup>171</sup>
- e. The program uses campus space and the Cornell logo, which imparts substantial reputational benefit.

**18. Cornell Women's Management Council** violates Title IX.<sup>172</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent program for men.
- c. The plain language is discriminatory against men.<sup>173</sup>
- d. All members are women.<sup>174</sup>
- e. All officers are women (10/10).<sup>175</sup>

**19. Cornell Graduate Women in Science** violates Title IX.<sup>176</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent STEM program for men. Nor does Cornell offer any affirmative action programs for men in the fields wherein they are underrepresented.
- c. Women are overrepresented among past and present members (19/20).<sup>177</sup>
- d. Their mission statement, while deliberately manipulative and self-contradictory to some degree, emphasizes discrimination against men.<sup>178</sup>

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<sup>169</sup> <http://cornellrewomen.wixsite.com/cornellrew>

<sup>170</sup> "CornellREW is Cornell's primary graduate and professional student organization dedicated to the promotion and advancement of *women* in real estate ... attract *female* speakers ... increase the visibility of *women* ..." *Ibid.*

<sup>171</sup> <http://cornellrewomen.wixsite.com/cornellrew/board>

<sup>172</sup> <https://johnson.campusgroups.com/wmc/about/>

<sup>173</sup> "The WMC sponsors efforts to increase the enrollment of *women* within the Johnson School, influences the environment around us to promote and support *women* in business, provides a structure for connecting with current and future *women* leaders, and supports the diverse professional and personal aspirations of *women* within our community." *Ibid.*

<sup>174</sup> [https://johnson.campusgroups.com/upload/johnson/2017/flyer\\_image\\_upload\\_430720\\_Johnson\\_DivInc\\_09062017\\_RachelPhilipson\\_9977\\_916134625.jpg](https://johnson.campusgroups.com/upload/johnson/2017/flyer_image_upload_430720_Johnson_DivInc_09062017_RachelPhilipson_9977_916134625.jpg)

<sup>175</sup> <https://johnson.campusgroups.com/wmc/officers/>

<sup>176</sup> <https://gwiscornell.weebly.com/>

<sup>177</sup> <https://gwiscornell.weebly.com/our-team.html>

<sup>178</sup> They claim that their mission is to "improve the lives of those in STEM fields, especially those whom are *women-identified* ... we uphold that improving the scientific culture to help *women* and gender minorities thrive in the sciences requires improving the working conditions for everyone in our community, especially all marginalized groups." Women are not a minority at Cornell, so the statement is both false and paradoxical.

**20. Cornell Women in Mathematics violates Title IX.**<sup>179</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent STEM program for men. Nor does Cornell offer any affirmative action programs for men in the fields wherein they are underrepresented.
- c. All officers are women (4/4).<sup>180</sup>
- d. The mission statement is discriminatory against men.<sup>181</sup>
- e. The mentoring program aims to match women with women, indicating clear discrimination.<sup>182</sup>
- f. All associates/sponsors of CWIM are programs which discriminate against men: Association for Women in Mathematics, GPWomen, GWIS, oSTEM, Cornell Women's Resource Center.<sup>183</sup>
- g. While there is a disclaimer stating that "men are welcome," this disclaimer is meaningless and irrational, given the circumstances explained above.

**21. Cornell Chemical and Biomedical Engineering Graduate Women's Group violates Title IX.**<sup>184</sup>

- a. The name refers to women only.
- b. Cornell offers no equivalent STEM program for men. Nor does Cornell offer any affirmative action programs for men in the fields wherein they are underrepresented.
- c. The plain language is discriminatory against men.<sup>185</sup>
- d. All participants are women.<sup>186</sup>

**22. The Cook Awards (Alice H. Cook and Constance E. Cook) violate Title IX.**

- a. The awards have a pronounced emphasis on women and their advancement, which creates an unlawful *preference* against male applicants (Title IX prohibits sex-specific

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<sup>179</sup> <http://pi.math.cornell.edu/~awm/>

<sup>180</sup> *Ibid.*

<sup>181</sup> "The goal of the Cornell Student Chapter of the Association for Women in Mathematics is threefold: (1) Increase the number of undergraduate women enrolled in mathematics courses at Cornell. (2) Create a network of support for the women (undergraduate and graduate) who are studying math at Cornell. (3) Provide a forum in which issues pertaining to women in math can be discussed." *Ibid.* The overall effect of this mission statement is discriminatory.

<sup>182</sup> <http://pi.math.cornell.edu/~awm/events.html>

<sup>183</sup> <http://pi.math.cornell.edu/~awm/links.html>

<sup>184</sup> <https://cbegwg.cbe.cornell.edu/>

<sup>185</sup> "The CBEGWG is an organizational unit whose purpose is to focus on issues pertinent to *female* affiliates of the School of Chemical and Biomolecular Engineering, 2) to encourage young *girls* to enter engineering through outreach." *Ibid.*

<sup>186</sup> For example: [https://cbegwg.cbe.cornell.edu/documents/2016\\_CBE\\_Women\\_Flyer.pdf](https://cbegwg.cbe.cornell.edu/documents/2016_CBE_Women_Flyer.pdf)

*preferences* in addition to blatant discrimination) and also a *hostile environment* against men on campus.<sup>187</sup>

- b. Women are overrepresented among awardees (15/17).<sup>188</sup>
- c. Cornell offers no awards that are dedicated to improving campus climate for the male minority.
- d. While the awards are gender-neutral on paper, i.e. available to both men and women, this disclaimer is irrational (considering the totality of circumstances).

**23. The Curie Academy violates Title IX.**<sup>189</sup>

- a. The plain language is discriminatory against boys.<sup>190</sup>
- b. All participants are girls.<sup>191</sup>

**24. Cornell Graduate and Professional Women's Network violates Title IX.**<sup>192</sup>

- a. The name refers to women only.
- b. Cornell offers no similar professional network for men.
- c. The plain language is discriminatory.<sup>193</sup>
- d. All speakers and participants in all past events were women.<sup>194</sup>

**25. Cornell University violates Title IX by endorsing 390 scholarships on its database, all of which are available for women only.**<sup>195</sup> There is no rational basis for this endorsement. Title IX prohibits an institution from even *listing* external programs which are discriminatory. The *overall effect* is clearly discriminatory, given the

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<sup>187</sup> This can be gleaned from their selection criteria: "nomination letters should describe the individual's commitment to *women's issues* and efforts to enhance the *climate for women* at Cornell." There is no rational basis for devoting resources to "improving the climate for women at Cornell" when they are already the majority among students *and* professors. This unconstitutional sex-based preference would survive neither strict nor intermediate scrutiny.

<sup>188</sup> <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/8/6767/files/2017/03/Cook-Awards-2017-0087-1axos95-1024x683.jpg>

<sup>189</sup> <https://sites.coecis.cornell.edu/curieacademy/>

<sup>190</sup> "Curie Academy is a one-week residential program for high school girls who excel in math and science." *Ibid.*

<sup>191</sup> <https://cpb-us-w2.wpmucdn.com/sites.coecis.cornell.edu/dist/5/110/files/2016/11/curiehome-2nhcq6s.jpg>

<sup>192</sup> <https://sites.google.com/a/cornell.edu/gpwomen/>

<sup>193</sup> "The purpose of Cornell's Graduate & Professional *Women's Network* (GPWomeN) is to provide a unified voice for Cornell's graduate and professional student *women* ... support graduate and professional student *women* at Cornell University and beyond." *Ibid.*

<sup>194</sup> <https://sites.google.com/a/cornell.edu/gpwomen/events/past-events>

<sup>195</sup> "There are approximately 390 different external fellowship programs that are available to support and promote *women* graduate students. Our *women* graduate students and postdoctoral scholars may be eligible for this support (type demographic "*women*" for more information)." <https://gradschool.cornell.edu/student-experience/student-communities/womens-communities/>

massive number of female-only scholarships endorsed for the female majority. Injunctive relief would consist of banning all such discriminatory scholarships (if they are funded by Cornell) or compelling Cornell to sever all ties with such offerings, including removing them from any webpages or databases, if they are funded by external sponsors.

**26. Cornell University** violates Title IX by listing/endorsing various internal and external programs which discriminate against men. Injunctive relief would thus consist of compelling Cornell to sever all ties with these discriminatory organizations (or compelling Cornell to create similar programs for men). Significant assistance is presumed since they receive their funding from Cornell and/or use campus space and/or use the Cornell logo.

- a. The Women's Resource Center lists the following gynocentric resources. Significant assistance is presumed since they receive their funding from the WRC, as explained on the webpage.<sup>196</sup> Their names and network of associations clearly express discrimination against men.
  - i. (not so) Average Women
  - ii. Black Women's Support Network
  - iii. Las Femmes de Substance
  - iv. Women of Color Coalition
  - v. Building Ourselves through Sisterhood and Service
  - vi. Scientista
  - vii. Smart Women Securities<sup>197</sup>
  - viii. Society for Women in Business
  - ix. Women in Healthcare Leadership
- b. Cornell Graduate School lists/endorses the following discriminatory organizations.<sup>198</sup> Both organizations engage in obvious discrimination against men.
  - i. American Association for University Women
  - ii. Association for Women in Science

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<sup>196</sup> <https://dos.cornell.edu/womens-resource-center/funding-sponsorship>

<sup>197</sup> The Department of Education has already launched an investigation against a chapter of Smart Women Securities (#09-18-2031, Title IX Complaint Against the University of Southern California).

<sup>198</sup> "The Cornell University Graduate School is a proud member of the AAUW." Association for Women in Science is also listed.

<https://gradschool.cornell.edu/student-experience/student-communities/womens-communities/>

## INJUNCTIVE RELIEF

This complaint requests the following injunctive relief, in any reasonable combination thereof:

- The removal of discriminatory language, whenever proper.
- The elimination of affirmative action on the basis of sex, in whatever context appropriate.
- The elimination of discriminatory programs within a reasonable time period, whenever proper.
- The conversion of discriminatory programs into gender-neutral programs within a reasonable time period, whenever proper. If such conversion occurs, the names of the programs must be changed into gender-neutral titles, and the programs must begin to actively recruit male students and professors. There is Title IX precedent for such conversion.<sup>199</sup>
- The creation of male-specific or male-focused programs and/or scholarships and/or research centers to offset the balance, whenever proper. There is Title IX precedent for the creation of such programs.<sup>200</sup> We can submit a prospective syllabus and a list of potential hires for a hypothetical Men's Studies Department, if need be.
- Any other form of injunctive relief, whenever proper (such as a future ban on all such programs).

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<sup>199</sup> In a previous OCR precedent, the University of Southern California agreed to change the name of the Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services* (#09-16-2128). The name change had a substantial, positive effect on male participation in the Center.

<sup>200</sup> "Stanford University informed OCR that it has modified the weightlifting program. It has now instituted both "men-focused" and "women-focused" weightlifting hours, which are open to all students regardless of gender. Both weightlifting sessions are open for the same amount of time two times a week. The University submitted documentation to OCR on March 9, 2018 showing their response to the Stanford Daily newspaper article regarding the women's only weightlifting hours" (#09-18-2175).

## MODEL PROGRAM

It is reprehensible that Cornell University does not offer a single male-only program which might counterbalance the massive number of female-only programs listed above. We condemn this discrimination. We contend that no reasonable person can find, given the *overall effect*, that Cornell does not discriminate against the male minority.

That being said, Cornell has one institute which can be cited as a template for ameliorating some of the programs listed in this complaint. The Cornell Institute for Women in Science (CIWS)<sup>201</sup> does not seem to violate Title IX for two reasons. One, there is a balanced sex ratio among CIWS scholars. Two, the studies published by CIWS reflect ideological diversity and scientific rigor. For example, CIWS published a study, cited in this complaint, which found that women are more likely to be recruited for STEM positions than men. The study, unlike most scholarship produced by Women's Studies Departments, is scientifically precise and rigorous. As such, CIWS stands in stark contrast to other Cornell programs in which scholars/professors are expected to conform to a specific sex-based ideology i.e. feminism when applying to the position, which has a chilling effect on the First Amendment rights of such scholars. **(Allegations 2c-2f, 3c-3e, 8e, 9b, 22a).**

No such chilling effect seems to exist at the Cornell Institute for Women in Science. We thus choose not to include the Cornell Institute for Women in Science among programs that violate Title IX, and we commend CIWS for its viewpoint diversity. We also commend CIWS for having a balanced sex ratio among its research staff. However, we would still recommend a name change (e.g. *Cornell Institute for Men and Women in Science*) and a greater push for viewpoint diversity.

This disclaimer does not diminish the discriminatory impact of Allegations 1-26. The United States must assess the *overall effect* at Cornell before inspecting each program on its own merits.

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<sup>201</sup> <https://www.human.cornell.edu/hd/research/labs/ciws/home>

**ADDENDUM**  
**(LIST OF DISCRIMINATORY PROGRAMS)**

1. Cornell University (*employment/recruitment preferences*)
2. Cornell Gender, Sexuality, Women's Studies
3. Cornell Women's Resource Center
4. Women's Heart Program
5. Iris Cantor Women's Health Center
6. Weill Cornell Psychiatry Specialty Center
7. President's Council of Cornell Women
8. Cornell Center for Women, Justice, Economy, Technology
9. Cornell Dorothea S. Clarke Program in Feminist Jurisprudence
10. Cornell Women in Leadership Class
11. Cornell & Bank America Launch Free Courses
12. Cornell Women in Physics and Related Fields
13. Cornell Johnson School Women in Business
14. Cornell Society for Women in Business
15. Cornell Johnson School Women in Tech
16. Women in Computing at Cornell
17. Cornell Real Estate Women
18. Cornell Women's Management Council
19. Cornell Graduate Women in Science
20. Cornell Women in Mathematics
21. Chemical and Biomedical Engineering Graduate Women's Group
22. Cook Awards for Women
23. The Curie Academy
24. Cornell Graduate and Professional Women's Network
25. External scholarships (listing/endorsement)
26. External and internal programs (listing/endorsement)
  - a. Programs affiliated with CWRC
    - i. (not so) Average Women
    - ii. Black Women's Support Network
    - iii. Las Femmes de Substance
    - iv. Women of Color Coalition
    - v. Building Ourselves through Sisterhood and Service
    - vi. Scientista
    - vii. Smart Women Securities
    - viii. Society for Women in Business
    - ix. Women in Healthcare Leadership
  - b. Programs endorsed by Graduate School
    - i. American Association for University Women
    - ii. Association for Women in Science



Kursat Christoff Pekgoz <whirlflux@gmail.com>

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## Georgetown complaint ready

---

**Kursat Christoff Pekgoz** <whirlflux@gmail.com>

3 October 2018 at 23:10

To: Harry Crouch <harryal@earthlink.net>

Cc: Marc Angelucci <marc.angelucci@yahoo.com>, Gregory Josefchuk <g.josefchuk@yahoo.com>

Dear Harry / Greg / Marc,

I finished working on the complaint. Can you respond as soon as possible -- is this OK?

The last page summarizes our reaction to Christine Fair, and I believe it should be consistent with NCFM's stance -- we have no racial policy, we condemn her statements, etc.

---

### 2 attachments



**NCFM Title IX complaint Georgetown University.docx**

109K



**NCFM Title IX complaint Georgetown University.pdf**

548K



# National Coalition For Men (NCFM)

Since 1977

932 C Street, Suite B, San Diego, CA 92101 / 619-231-1909 / [ncfm.org](http://ncfm.org) / 501(c)3 nonprofit corporation

03 October, 2018

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U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-1475  
Telephone: (202) 453-6020  
Facsimile: (202) 453-6021  
Email: [ocr.dc@ed.gov](mailto:ocr.dc@ed.gov)

To Whomever It May Concern,

Please accept this Title IX complaint against Georgetown University.  
We are submitting this complaint to the Washington Headquarters  
Office, which has original jurisdiction over the matter.

Please acknowledge by email receipt of this submission.

Respectfully,

Harry Crouch  
President

17 pages including cover letter.

cc: Assistant Secretary, Kenneth Marcus

[kenneth.marcus@ed.gov](mailto:kenneth.marcus@ed.gov)

cc: Office for Civil Rights Electronic Submission Portal

[ocr@ed.gov](mailto:ocr@ed.gov)

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## LIAISONS

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Massachusetts  
Paul Clements,  
South Carolina  
Eric Wedin  
Sweden

## SUMMARY

Georgetown University is in violation of Title IX because it offers resources, funding, fellowships, and scholarships that are available to women only, even though men are a minority both nationwide [42%]<sup>1</sup> and at Georgetown University [44%].<sup>2,3</sup> Women are the overrepresented sex nationwide; they are also the majority of law students<sup>4</sup> and medical students.<sup>5</sup> New civil rights data published by the Department of Education makes it clear that concerns over the underrepresentation of women in STEM education are outdated.<sup>6</sup> 77% of all teachers in the public education system are women, and the numbers are increasing.<sup>7</sup> Girls have higher grades than boys in all categories.<sup>8</sup> According to institutions that release such data, 99% of all individuals sanctioned under Title IX theory are male.<sup>9</sup>

Men are beginning to face significant problems in the workplace due to this disparity in terms of college degree attainment. Women who apply to STEM degrees are far more likely to be hired than men.<sup>10</sup> A recent study found out that women are 36% more likely than men to receive a job offer.<sup>11</sup> Men work in more dangerous jobs and they are more likely to suffer permanent or grievous harm.<sup>12</sup> The gender pay gap myth ignores many variables.<sup>13</sup> Even if the gender gap were true, the fact remains that women control more wealth than men (60% of all personal wealth) and that women spend more money than men (85% of all customer purchases).<sup>14</sup>

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<sup>1</sup>[https://nces.ed.gov/programs/digest/d16/tables/dt16\\_322.20.asp](https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp)>>

<sup>2</sup><https://www.collegefactual.com/colleges/georgetown-university/student-life/diversity/chart-gender-diversity.html>

<sup>3</sup><https://www.usnews.com/best-colleges/georgetown-university-1445>

<sup>4</sup><https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>

<sup>5</sup>[https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175\\_story.html?utm\\_term=.3873f1eff392](https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175_story.html?utm_term=.3873f1eff392)

<sup>6</sup><https://www.ed.gov/news/press-releases/us-department-education-releases-2015-16-civil-rights-data-collection>

<sup>7</sup><https://nces.ed.gov/pubs2017/2017072.pdf>

<sup>8</sup><http://www.apa.org/news/press/releases/2014/04/girls-grades.aspx>

<sup>9</sup>Stanford: <https://news.stanford.edu/2018/02/27/provost-issues-campus-wide-report-title-ix-sexual-harassment-cases/>

Yale: [https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report\(1\).pdf](https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report(1).pdf)

<sup>10</sup><http://www.pnas.org/content/early/2015/04/08/1418878112>

<sup>11</sup><http://insight.movemeon.com/insight-analysis/gender/women-more-likely-to-get-hired-than-men>

<sup>12</sup><https://www.forbes.com/sites/timworstall/2016/12/21/heres-your-gender-pay-gap-fatal-occupational-injuries/#3c5143d36c3e>>>

<sup>13</sup> <https://www.wsj.com/articles/the-wage-gap-myth-that-wont-die-1443654408>

<sup>14</sup>**Sources:** Federal Reserve, MassMutual Financial Group, BusinessWeek, Gallup.

<https://girlpowermarketing.com/statistics-purchasing-power-women/>

## LEGAL THEORY

The Supreme Court prohibits gender discrimination against men.<sup>15</sup> The Second Circuit of Appeals has clarified that discrimination against men is unconstitutional even in the absence of malicious intent and even for a short period of time.<sup>16</sup> The Sixth Circuit of Appeals has clarified that unlawful anti-male bias can be inferred when the overwhelming majority of the impacted parties are male.<sup>17</sup>

The plain language of Title IX, predicated in 34 CFR §106, prohibits any institution from funding/sponsoring discriminatory scholarships, programs, fellowships and initiatives.<sup>18</sup> Title IX prohibits recipients from listing, soliciting, approving, sponsoring discriminatory scholarships even if they are entirely external to the University.<sup>19</sup> Title IX prohibits discrimination in terms of counselling.<sup>20</sup> Title IX prohibits discrimination in terms of health benefits.<sup>21</sup> Title IX prohibits any kind of *preference* for admission in any educational entity, or its substituent chapters.<sup>22</sup> In determining whether discrimination occurs, Title IX requires an assessment of the *overall effect*.<sup>23</sup>

There are Title IX precedents for this complaint. For example, Michigan State University in 2016 converted a women-only study space in the Michigan Union to a study lounge that is now available to students of all genders, following a Title IX and civil rights complaint.<sup>24</sup> Texas A&M University was subject to a Title IX complaint because it eliminated its last

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<sup>15</sup> *Craig v. Boren* (1976). *Sessions v. Morales-Santana* (2017).

<sup>16</sup> "A defendant is not excused from liability for discrimination because the discriminatory motivation does not result from a discriminatory heart, but rather from a desire to avoid practical disadvantages that might result from unbiased action. A covered university that adopts, even temporarily, a policy of bias favoring one sex over the other in a disciplinary dispute, doing so in order to avoid liability or bad publicity, has practiced sex discrimination, notwithstanding that the motive for the discrimination did not come from ingrained or permanent bias against that particular sex" (*Doe v. Columbia University*, p. 26, footnote 11).

<sup>17</sup> "The statistical evidence that ostensibly shows a pattern of gender-based decision-making and external pressure on Miami University supports at the motion-to-dismiss stage a reasonable inference of gender discrimination ... nearly ninety percent of students found responsible for sexual misconduct between 2011 and 2014 have male first-names" (*Doe v. Miami University*, p. 15).

<sup>18</sup> Such is the overall intent of CFR § 106.

<sup>19</sup> CFR § 106.37.

<sup>20</sup> CFR § 106.36.

<sup>21</sup> CFR § 106.39.

<sup>22</sup> CFR § 106.22.

<sup>23</sup> CFR § 106.37.

<sup>24</sup> [https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm\\_term=.e559327d8b60](https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm_term=.e559327d8b60)

male-only dorm while preserving multiple female-only dorms.<sup>25</sup> The press has reported that the Department of Education is investigating Yale University,<sup>26</sup> and the University of Southern California,<sup>27</sup> for Title IX violations in similar issues. The Oregon Department of Education has ordered the South Eugene High School to replace the title “Axemen” with “Axe” in order to promote inclusivity.<sup>28</sup> In a previous Title IX precedent, the University of Southern California agreed to change the name of the Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services*. The gender-neutral title had a substantial, positive effect on male participation in the Center.<sup>29</sup>

We do not allege disparate impact per se, but we maintain that disparate impact (in conjunction with other specifics) may augment an inference of discrimination. Nowhere in this complaint do we infer discrimination based on disproportionate enrolment alone.<sup>30</sup> The fact that these scholarships and programs are endorsed as “Women’s” is sufficient, in and of itself, to infer disparate treatment. Such endorsement has a clearly dissuasive/discriminatory effect on males. As per OCR policy, hostile environment can occur even in the absence of intent to harm or even if the hostility is not directed at a particular target. Nor does hostile environment require sexual intent: gender animus or hostility based on sexual stereotypes is sufficient to trigger Title IX liability (*Dear Colleague Letter*, 2010, p. 8). This includes situations in which “students are harassed for exhibiting what is perceived as a stereotypical characteristic for their sex” (*ibid*).

Given the *overall effect*, no reasonable person would inquire whether it is necessary to identify any male students who have specifically applied to these programs (and who have specifically received rejections) before the United States can take corrective action against the discrimination. For example, an organization with a “Whites Only” sign triggers Title VII/Title VI liability even in the absence of prospective plaintiffs who “go through the motions of submitting an application.” Supreme Court doctrine is unambiguous on this question: in the presence of clearly discriminatory practices, the victims of discrimination are not the small

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<sup>25</sup> <https://www.thecollegefix.com/post/31646/>

<sup>26</sup> <https://www.campusreform.org/?ID=10899>

<sup>27</sup> <https://www.campusreform.org/?ID=10931>

<sup>28</sup> [http://www.oregonlive.com/education/index.ssf/2018/02/eugene\\_officials\\_chop\\_south\\_eu.html](http://www.oregonlive.com/education/index.ssf/2018/02/eugene_officials_chop_south_eu.html)

<sup>29</sup> San Francisco Regional Office, Docket #09-16-2128.

<sup>30</sup> The ratio of female/male enrolment is relevant only in terms of determining the “underrepresented sex.” Women are no longer the “underrepresented sex” in colleges.

class of people who “subject themselves to personal rebuffs” but all persons who are negatively effected despite their “unwillingness to engage in a futile gesture.” Put in other words, OCR **cannot** limit itself to offering redress to men who specifically apply to programs which refer to themselves as “Women Only” and receive rebuffs. Nor should OCR decline to investigate exclusionary programs which maintain all-female composition despite meaningless disclaimers or ambiguous language.

If an employer should announce his policy of discrimination by a sign reading "Whites Only" on the hiring-office door, his victims would not be limited to the few who ignored the sign and subjected themselves to personal rebuffs. The same message can be communicated to potential applicants more subtly but just as clearly by an employer's actual practices - by his consistent discriminatory treatment of actual applicants, by the manner in which he publicizes vacancies, his recruitment techniques, his responses to casual or tentative inquiries, and even by the racial or ethnic composition of that part of his work force from which he has discriminatorily excluded members of minority groups. When a person's desire for a job is not translated into a formal application solely because of his unwillingness to engage in a futile gesture he is as much a victim of discrimination as is he who goes through the motions of submitting an application.

*Teamsters v. United States*, 431 U.S. 324, 365 (1977)

The analogy presented herein (comparing “Whites Only” programs to “Women Only” programs) is legally binding. The Congress made little meaningful distinction between sexual discrimination and racial discrimination in qualifying the Civil Rights Act of 1964.<sup>31</sup>

Another binding Supreme Court precedent which rules out the necessity of identifying an entire class before challenging openly discriminatory policies is *Weinberger v. Wiesenfeld* (1975). In this precedent, the Supreme Court upheld a district court ruling in which a widower was granted standing to challenge an openly discriminatory policy on behalf of his class (i.e. men).

“Wiesenberg applied for social security benefits for himself and his son, and was told that his son could receive them but that he could not. [...] He claimed that the relevant section of the Social Security Act unfairly discriminated on the basis of sex and sought summary judgement. [...] Appellee filed this suit in February 1973, *claiming jurisdiction under 28*

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<sup>31</sup> The analogy is legally binding because Title IX of the Education, which prohibits discrimination on the basis of sex in educational institutions, uses the language of Title VI, which prohibits discrimination on the basis of race or national origin. 117 CONG. Rec. 30,156 (1971).

*U.S.C. 1331, on behalf of himself and of all widowers similarly situated. [emphasis added].* He sought a declaration that 402 (g) is unconstitutional to the extent that men and women are treated differently, an injunction restraining appellant from denying benefits under 402(g) solely on the basis of sex, and payment of past benefits [...] After the three-judge court determined that it had jurisdiction, it granted summary judgement in favor of appellee, and issued an order giving appellee the relief he sought.”

*Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)<sup>32</sup>

There are other very real and very pressing reasons which make it not only impractical but also impossible to identify a class of grievants, or even individual male complainants. Male students/professors who raise such concerns are often silenced with extreme prejudice. Google terminated a male engineer, James Damore, for criticizing aspects of the company’s “diversity culture” in the mildest manner possible.<sup>33</sup> Lake Ingle, a male student, was kicked out of class in Indiana University for engaging in civil disagreement with a radical feminist professor (March 2018).<sup>34</sup> A board member at the University of Virginia (Fred W. Scott Jr.) was forced to resign from his position because he criticized female-only programs at the University (August 2018).<sup>35</sup> A male professor (Rick Mehta) was fired from Acadia University because of “sexist” comments (September 2018).<sup>36</sup> Catholic University of America suspended a male dean for merely questioning Julie Swetnick, who made transparently false allegations against the Supreme Court nominee, Brett Kavanaugh (October 2018).<sup>37</sup>

When the cost of free speech is so high and the chilling effect is so potent, it would be unreasonable to shift the burden of gathering elusive evidence upon the complaining parties. The incidents cited above are very recent and relevant in terms of understanding the impact of the chilling effect in question. Moreover, Georgetown University has resisted the disclosure of

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<sup>32</sup> <https://supreme.justia.com/cases/federal/us/420/636/#tab-opinion-1951258>

<sup>33</sup> <http://www.foxnews.com/tech/2018/01/09/james-damore-sues-google-claims-tech-giant-discriminates-against-white-conservative-men.html>

<sup>34</sup> <http://www.foxnews.com/us/2018/03/12/college-student-kicked-out-class-for-telling-professor-there-are-only-two-genders.html>

<sup>35</sup> “There are no United White People College Funds or White Students' Alliances or Men Against Drunk Driving. Even at a ‘tolerant university’ ... especially there! Women's Initiative [sic]. We both support it. Is there a Men's Initiative???”

<https://www.insidehighered.com/quicktakes/2018/09/06/uva-center-board-member-resigns-after-explaining-why-women-didnt-want-go-shoe>

<sup>36</sup> <https://www.andrewlawton.ca/pro-free-speech-professor-rick-mehta-fired-by-acadia-university/>

<sup>37</sup> <https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>

vital civil rights data in the past, making it even more impractical for a reasonable complainant to obtain such data.<sup>38</sup>

**The complaint is timely** because all programs listed below involve ongoing and systematic gender discrimination. Moreover, we are requesting indefinite waivers on each and every allegation. DOE: OCR<sup>39</sup> and DOJ: CRD<sup>40</sup> can reopen “cold” cases whenever proper (even if they were previously dismissed) and waive the deadline under a series of circumstances. Specifically, cases are reopened whenever there is compelling national interest and/or overwhelming public support behind the issue. There is indeed compelling national interest in stopping the demographic decline of men in the higher education system. An undereducated class of men are more likely to end up in criminal activity, less likely to support their dependents, and less likely to support the infrastructure of the nation.

Moreover, this complaint proposes a public policy issue – and there is *significant* public support behind the proposal. For example, the investigation against Yale University generated widespread press coverage. A news article by Fox News gathered 1,500+ positive comments.<sup>41</sup> A video by Stephanie Hamill received 1.4 million views.<sup>42</sup> Two articles on the same topic (by Campus Reform) were shared 12,000+ times on social media.<sup>43</sup> The majority of respondents in a heavily biased online poll reported that Yale *does* indeed discriminate against men (56.8%).<sup>44</sup> Under these circumstances, no agent of United States has the liberty to shirk his/her duty to the democratic will of the people by refusing to prosecute complaints of this nature.

The complaint seeks to eliminate gender discrimination against men without jeopardizing the civil rights of women. When injunctive relief is granted, the female majority will still be able to compete with the male minority on equal footing.

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<sup>38</sup> “Repeated attempts to obtain data on any gender inequity at Georgetown have been rebuffed or ignored by campus officials.” <https://www.thecollegefix.com/georgetown-creates-task-force-to-advance-gender-equity-but-refuses-to-discuss-gender-statistics/>

<sup>39</sup> <https://www.algemeiner.com/2018/09/07/education-dept-to-probe-whether-rutgers-university-tolerates-hostile-environment-for-jewish-students/>

<sup>40</sup> <https://www.thecrimson.com/article/2018/5/23/yir-admissions-analysis/>

<sup>41</sup> <http://www.foxnews.com/us/2018/05/18/yale-being-probed-by-doe-accused-toxic-environment-against-men.html>

<sup>42</sup> <https://www.facebook.com/Americanvoicesthedailycaller/videos/683586881973534/>

<sup>43</sup> <https://www.campusreform.org/?ID=11249> && <https://www.campusreform.org/?ID=10899>

<sup>44</sup> <https://thetylt.com/politics/yale-discriminate-against-men>

## LIST OF DISCRIMINATORY PROGRAMS

The list below is neither exhaustive nor final. OCR should request information regarding all women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Georgetown University.<sup>45,46</sup> Title IX also prohibits discrimination in programs which are externally funded if these programs use campus space and/or receive any other form of institutional endorsement.

1. **Georgetown University** violates Title IX by expressing an unlawful preference for women in its employment/hiring practices: “it is the goal of Georgetown University and its departments to advertise, recruit vigorously, and employ qualified candidates, *particularly* minority persons, *women*, veterans, and persons with disabilities.”<sup>47,48,49</sup> This bias is systemic, since all applications go through the affirmative action process. Injunctive relief for this allegation would consist of removing all such discriminatory language and abolishing the collection of data on the basis of gender. Georgetown currently collects such data.<sup>50</sup>
  
2. **Georgetown University** violates Title IX by endorsing external “outreach” organizations, which are exclusionary on the basis of sex, for the purposes of its affirmative action recruitment practices. Georgetown maintains ties with groups which are women only, without maintaining ties with any male-only groups.<sup>51</sup> Associating with these organizations counts as “significant endorsement” because the University forms financial and reputational ties with them by delegating recruitment practices to their counsel.
  - a. Asian Women in Business
  - b. American Business Women’s Association
  - c. Accounting and Financial Women’s Alliance
  - d. Financial Women’s Association
  - e. National Women’s Studies Association

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<sup>45</sup> “The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations” (*Case Processing Manual*, p. 20). OCR is already using such discretion to open compliance reviews against institutions which allegedly discriminate against women.

<sup>46</sup> Athletic opportunities/scholarships are subject to a complex system of inquiry of their own.

<sup>47</sup> <https://ideaa.georgetown.edu/facultyhiringprocedures>

<sup>48</sup> This complaint does not raise any Title II or Title VI violations.

<sup>49</sup> Any preference on the basis of sex in admissions/recruitment violates Title IX, as per CFR § 106.22.

<sup>50</sup> <https://georgetown.app.box.com/s/0vi5zvonin51emmybmtz>

<sup>51</sup> <https://georgetown.app.box.com/s/1az1cio0u9id68hkjid585gvcj06gvwp>

- f. Society of Women Engineers<sup>52</sup>
- g. Association for Women in Computing
- h. Women in Technology
- i. Organization of Women in International Trade
- j. American Association of Women Dentists

3. **The Cawley Career Center** violates Title IX by offering career counselling for women, with no similar resources for men.<sup>53</sup> Every single resource/group listed by the Center is discriminatory against men both in terms of agenda and membership.<sup>54</sup> Title IX prohibits discrimination in terms of professional counselling, and yet Georgetown University does not offer any professional counselling or networking opportunities for the male minority.

4. **The Georgetown Institute for Women, Peace, and Security** violates Title IX.<sup>55</sup> The institute was founded by Hillary Rodham Clinton.<sup>56</sup> The organization's agenda focuses exclusively on women's well-being and rights<sup>57,58</sup> while neglecting the global suffering of men.<sup>59</sup> Women were overrepresented in a recent symposium held by institute (17/18).<sup>60</sup> Women are overrepresented among advisory board members (18/22).<sup>61</sup> All published/endorsed research is from female authors.<sup>62,63</sup> Partners include women-only organizations (Civil Society Working Group on

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<sup>52</sup> OCR has consistently agreed to prosecute the Society of Women Engineers in currently pending investigations (against the University of Southern California and Princeton University, for example). The other organizations are characteristically similar to the Society of Women Engineers. Georgetown University does not affiliate itself with any professional male-only organizations. The choice is deliberate on their behalf, not coincidental. Often, the same groups that aggressively push for female-only organizations also seek to eliminate male-only organizations.

<sup>53</sup> <https://careercenter.georgetown.edu/diversity-career-resources>

<sup>54</sup> <https://careercenter.georgetown.edu/career-resources-women>

<sup>55</sup> <https://giwps.georgetown.edu/>

<sup>56</sup> <https://giwps.georgetown.edu/founding-story/>

<sup>57</sup> <https://giwps.georgetown.edu/the-index/>

<sup>58</sup> <https://giwps.georgetown.edu/priority/economic-empowerment/>

<sup>59</sup> For example, men live shorter lives than women worldwide.

<sup>60</sup> <https://giwps.georgetown.edu/event/womens-informal-involvement-in-peace-processes/>

<sup>61</sup> <https://giwps.georgetown.edu/advisory-board/>

<sup>62</sup> [http://giwps.georgetown.edu/resources/?fwp\\_resource\\_type=internal](http://giwps.georgetown.edu/resources/?fwp_resource_type=internal)

<sup>63</sup> Author names include (2011-2018): Jeni Klugman, Jennifer Parsons, Tatiana Melnikova, Kelly McFarland, Allison Peters, Jahanara Saeed, Rebecca Turkington, Agathe Christien, Sophie Huve, Joana Cook, Louise Olsson, Anna Bjorsson, Margaret Jenkins, Ashley Binetti, Claire Charamnac, Mayesha Alam, Rukmani Bhatia, Briana Mawby, Patty Chang, Roslyn Warren, Alexandra Safir, Chloe White, Segolene Dufour-Genneson, Erica Vasquez, Annica Kronsell, Nicole Detraz, Valerie M. Hudson, Bonnie Spanvill, Mary Caprioli, Jacqui True, Fionnuala Ni Aolain, Dina Francesca Haynes, Naomi Cahn, Janie L. Leatherman (*ad nauseam*). The Institute has not sponsored a single male author since its foundation.

Women, Global Women's Leadership Initiative, UN Women, Women's Democracy Network, *et cetera*).<sup>64</sup>

- a. **The International Council on Women's Business Leadership** violates Title IX. The *overall* effect is discriminatory. All council members are women (35/35).<sup>65</sup>

5. **Georgetown Women's and Gender Studies**<sup>66</sup> violates Title IX because it has an overall hostile effect against male participants.

- a. The name is discriminatory (invokes women, but not men).
- b. There is no Men's Studies at Georgetown University.
- c. Their mission statement mentions "women" and "feminism,"<sup>67</sup> but not men (nor any gender-specific issue relevant to men). "Feminism" is defined as "organized activity on behalf of women's rights and interests."<sup>68</sup>
- d. All core faculty members are women (12/12).<sup>69</sup> All outstanding senior awards have been granted to women (19/19).<sup>70</sup>
- e. Their agenda is preoccupied with women's issues only, which creates a hostile/dissuasive effect against male participants: all current courses are about women.<sup>71</sup>
- f. In addition, the program explicitly states ideological preferences in recruitment<sup>72</sup> and this preference has a chilling effect upon the First Amendment rights of prospective applicants/scholars. Put in other words, the program stifles viewpoint freedom in academia by requiring applicants to teach "feminism." An alumna, Amelia Irvine, has criticized this lack of viewpoint diversity.<sup>73</sup>

6. **Georgetown Women's Center**<sup>74</sup> violates Title IX.

- a. The name is discriminatory (invokes women, but not men).
- b. There is no Men's Center at Georgetown University.

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<sup>64</sup> <https://giwps.georgetown.edu/partners/>

<sup>65</sup> <https://giwps.georgetown.edu/womens-business-council/>

<sup>66</sup> <https://wgsp.georgetown.edu/>

<sup>67</sup> <https://wgsp.georgetown.edu/about>

<sup>68</sup> <https://www.merriam-webster.com/dictionary/feminism>

<sup>69</sup> <https://wgsp.georgetown.edu/faculty>

<sup>70</sup> <https://wgsp.georgetown.edu/students/outstandingsenioraward>

<sup>71</sup> <https://wgsp.georgetown.edu/courses/current>

<sup>72</sup> <https://chroniclevitae.com/jobs/0000431081-01>

<sup>73</sup> <https://www.washingtonexaminer.com/red-alert-politics/womens-studies-emphasizes-activism-over-academics-my-experience-at-georgetown-university>

<sup>74</sup> <https://womenscenter.georgetown.edu/about-us#>

- c. The Center’s goal is “to support, educate and empower women” and “to address matters of particular concern to women.” All administrators are women.<sup>75</sup> All members in a VOICE retreat were women.<sup>76</sup>
- d. Their agenda is preoccupied with women’s issues only.<sup>77</sup>

**7. Georgetown Women’s Alliance<sup>78</sup> violates Title IX.**

- a. All committee members and student fellows are women.<sup>79</sup>
- b. All past events involve women’s issues and all participants were women.<sup>80</sup>
- c. Grants are available to women only: the purpose of the grants is to “feature the research or projects directed by women at Georgetown” and “connect women across constituencies.”<sup>81</sup> All recipients of the fellowship program have been women.<sup>82</sup>
- d. The program endorses an article which argues that women are better leaders than men.<sup>83</sup>

**8. Georgetown Women’s Leadership Institute<sup>84</sup> violates Title IX.**

- a. The name is discriminatory/dissuasive. There is no similar program for men at Georgetown University.
- b. All team members are women.<sup>85</sup>
- c. All past events involve women’s issues and female participants.<sup>86</sup>
- d. All speakers and participants in a recent event were women.<sup>87</sup>
- e. All publications involve women’s issues and women are overrepresented among authors.<sup>88</sup>
- f. All individuals in a representative photo were women (88/88).<sup>89</sup>
- g. While it is true that there are male affiliates,<sup>90</sup> OCR must assess the totality of the evidence in judging the circumstances.

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<sup>75</sup> <https://womenscenter.georgetown.edu/about-us#>

<sup>76</sup> <https://womenscenter.georgetown.edu/retreats#>

<sup>77</sup> <https://womenscenter.georgetown.edu/WHM2016#>

<sup>78</sup> <http://womensalliance.georgetown.edu/>

<sup>79</sup> <http://womensalliance.georgetown.edu/steering-committee>

<sup>80</sup> <http://womensalliance.georgetown.edu/events>

<sup>81</sup> <http://womensalliance.georgetown.edu/grants>

<sup>82</sup> <http://womensalliance.georgetown.edu/fellows>

<sup>83</sup> <https://www.mprnews.org/story/2013/07/23/daily-circuit-women-in-senate>

<sup>84</sup> <http://guwli.georgetown.edu/>

<sup>85</sup> <http://guwli.georgetown.edu/about-2/guwli-team/>

<sup>86</sup> <http://guwli.georgetown.edu/impact-conferences-and-programs/conferences/>

<sup>87</sup> <https://www.facebook.com/GUWLI/photos/a.1559171551041087/1890245844600321/?type=3&theater>

<sup>88</sup> <http://womensleadershipinstitute.georgetown.domains/research/scholar-papers/>

<sup>89</sup> [http://womensleadershipinstitute.georgetown.domains/wp-content/uploads/2014/05/DSC\\_0359.jpg](http://womensleadershipinstitute.georgetown.domains/wp-content/uploads/2014/05/DSC_0359.jpg)

<sup>90</sup> <http://guwli.georgetown.edu/about-2/affiliated-faculty/>

9. **Georgetown Graduate Women in Business**<sup>91</sup> violates Title IX.
- a. The name is discriminatory/dissuasive. There is no similar program for men at Georgetown University.
  - b. There is only token male participation in their events (for example, 1/31).<sup>92</sup>
  - c. All board members are women, except a token male (1/12).<sup>93</sup>
  - d. Their agenda is preoccupied with women's issues only.

10. **Georgetown University Women in Medicine**<sup>94</sup> violates Title IX.
- a. The name is discriminatory/dissuasive. There is no similar program for men at Georgetown University.
  - b. The program restricts membership on the basis of sex.<sup>95</sup>
  - c. Their agenda is preoccupied with women's issues only.<sup>96</sup>
  - d. Their publications are about women's issues only, and the majority of authors are women.<sup>97</sup>
  - e. The program offers various awards which are exclusionary against men. <sup>98</sup>
    - i. **The John Eisenberg Career Award** is "given annually to four *women* faculty ... a competitive selection process in which *women* who show the most potential for leadership."
    - ii. **School for Nursing & Health Studies Mentorship Award** requires being a "female faculty member" as a criterion for eligibility.
    - iii. **The Karen Gale Outstanding Achievement Award** is available to "a female faculty member within GUMC/GUH."

11. **Women's Forum at Georgetown University**<sup>99</sup> violates Title IX.
- a. The name is discriminatory/dissuasive. There is no similar program for men at Georgetown University.
  - b. All speakers in the 2018 event were women (73/73).<sup>100</sup>

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<sup>91</sup> <https://www.georgetowngwib.com/>

<sup>92</sup> [https://static1.squarespace.com/static/59c142b0268b969d6e7ef6dd/5a0b4989e4966b396b5259e0/5a0b4c5753450ab00cbf0060/1510690539400/DSC\\_6215.jpg?format=1500w](https://static1.squarespace.com/static/59c142b0268b969d6e7ef6dd/5a0b4989e4966b396b5259e0/5a0b4c5753450ab00cbf0060/1510690539400/DSC_6215.jpg?format=1500w)

<sup>93</sup> <https://www.georgetowngwib.com/location/>

<sup>94</sup> <https://gwim.georgetown.edu/>

<sup>95</sup> *The mission of Georgetown Women in Medicine (GWIM) is to promote the professional advancement of women faculty at Georgetown University Medical Center (GUMC).*

<sup>96</sup> <https://gwim.georgetown.edu/events>

<sup>97</sup> <https://gwim.georgetown.edu/links>

<sup>98</sup> <https://gwim.georgetown.edu/annual%20awards>

<sup>99</sup> <https://womensforum.georgetown.edu/>

- c. Among 100+ attendees, only the cameraman was male.<sup>101</sup>
- d. Read literally, the mission statement excludes men.<sup>102</sup>

**12. Georgetown Women in Science** violates Title IX. Even if this program is merely promotional, it confers a reputational benefit upon the promoted persons.

- a. The plain language is discriminatory.<sup>103</sup>
- b. All highlighted individuals are women.<sup>104</sup>
- c. All events are about women and all speakers are women.<sup>105</sup>

**13. Women’s Law and Public Policy Fellowship Program**<sup>106</sup> violates Title IX.

- a. All advisory board members are women.<sup>107</sup>
- b. All scholars have found employment/placement in organizations which either discriminate against men or which are solely preoccupied with the gender issues of women.<sup>108</sup>
- c. Georgetown does not offer any scholarships which aim to advance the civil rights of men.
- d. Men are severely underrepresented among applicants/recipients because the name and the agenda of the organization has a dissuasive effect.

**14. Women’s Legal Alliance** violates Title IX because the plain language is discriminatory.<sup>109</sup>

<sup>100</sup> *The mission of Georgetown Women in Medicine (GWIM) is to promote the professional advancement of women faculty at Georgetown University Medical Center (GUMC).* <https://gwim.georgetown.edu/>

<sup>101</sup> Picture 7: <https://womensforum.georgetown.edu/wf/2018/photo-gallery#expanded>

<sup>102</sup> *“Georgetown University invites you to attend the first university-wide Women's Forum ... uniting smart, passionate women from across the country and abroad ... it is our goal that the Women's Forum 2018 will serve as a true recognition of women's progress ... we plan to showcase women leaders in law, business, government ...”*

<https://womensforum.georgetown.edu/wf/2018>

<sup>103</sup> *“The university also continues to support its female students and faculty through grants, scholarships and other means ... The university's long and storied record of exemplary work by women in the sciences continues with well-funded basic and applied research and efforts that include building a home for interdisciplinary gender-based research, recognizing annually its outstanding women in medicine and promoting science and technology for girls worldwide.”*

<http://www.georgetownuniversityfeatures.com/women-in-science/>

<sup>104</sup> *Ibid.*

<sup>105</sup> <https://www.georgetown.edu/news/women-in-science>

<sup>106</sup> <https://www.law.georgetown.edu/wlppfp/>

<sup>107</sup> <https://www.law.georgetown.edu/wlppfp/about-us/advisory-board/>

<sup>108</sup> <https://www.law.georgetown.edu/wlppfp/wlppfp-us-fellowships/placement-organizations/>

<sup>109</sup> *“The Georgetown Women’s Legal Alliance (“WLA”) connects all women who are affiliated with the Law Center, welcoming alumnae, students, and professors as equals. We support the women of Georgetown Law by forging stronger and deeper relationships among them, by advocating for equality on campus, and by working together to empower and advance women as leaders in the legal profession.”* <https://www.law.georgetown.edu/alumni/get-involved/womens-legal-alliance/>

**15. Women’s Rights International Clinic**<sup>110</sup> violates Title IX. All members are women and their agenda is preoccupied with women’s issues only.<sup>111</sup> The word “man” does not occur except in the most pejorative context on their publications and website.

**16. Georgetown Women of Color** violates Title IX.<sup>112</sup> The name is discriminatory and all members are women.<sup>113</sup>

**17. Georgetown Women’s Foreign Policy Group**<sup>114</sup> violates Title IX because the plain language is discriminatory.<sup>115</sup>

**18. Women Who Code** violates Title IX.<sup>116</sup> The name is discriminatory, the mission statement refers to women (but not men), and all members are women (15/15).<sup>117</sup>

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<sup>110</sup> <https://www.law.georgetown.edu/experiential-learning/clinics/international-womens-human-rights-clinic/>

<sup>111</sup> <https://www.law.georgetown.edu/experiential-learning/clinics/international-womens-human-rights-clinic/clinic-staff-faculty/>

<sup>112</sup> This complaint does not allege racial bias. Injunctive relief might consist in transforming the club into “People of Color,” for example.

<sup>113</sup> <https://www.facebook.com/guwomenofcolor/>

<sup>114</sup> <https://sfs.georgetown.edu/womens-foreign-policy-group/>

<sup>115</sup> *It is crucial to ensure that women’s voices are heard and women leaders are fully engaged on key policy decisions. At WFPG, we advance women’s leadership and highlight their contributions through international issues programs and mentoring. We believe that through highlighting women leaders in foreign policy, we provide important role models for the next generation and create a vital network of women from different sectors, generations, and backgrounds.*

<sup>116</sup> <http://guwecode.georgetown.domains/>

<sup>117</sup> *Ibid.*

## INJUNCTIVE RELIEF

This complaint requests the following injunctive relief, in any reasonable combination thereof:

- The elimination of all female-only programs (and all programs that provide special preferences to females) within a reasonable period of time.
- The conversion of all discriminatory programs into gender-neutral programs within a reasonable period of time. If such conversion occurs, the names of the programs must be changed into gender-neutral titles, and the programs must begin to actively recruit male students and professors. There is OCR precedent for such conversion.<sup>118</sup>
- The creation of male-specific or male-focused programs and/or scholarships and/or research centres to offset the balance, whenever proper.
- Any other form of injunctive relief, whenever proper (such as a future ban on all such programs).

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<sup>118</sup> In a previous OCR precedent, the University of Southern California agreed to change the name of the Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services* (#09-16-2128). The name change had a substantial, positive effect on male participation in the Center.

**ADDENDUM A**  
**(LIST OF DISCRIMINATORY PROGRAMS)**

The list is neither exhaustive nor final. OCR should request information regarding all women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Georgetown University.<sup>119</sup> Georgetown University does not offer any male-specific programs for the male minority.

1. Georgetown University (*employment preferences, systemic*)
2. Georgetown University (*external recruitment actors*)
3. Cawley Career Center (*endorsement of discriminatory programs*)
4. The Georgetown Institute for Women, Peace, and Security
  - a. The International Council on Women’s Business Leadership
5. Women’s and Gender Studies Program
6. Women’s Center
7. Georgetown Women’s Alliance
8. Georgetown University Women in Leadership
9. Georgetown Graduate Women in Business
10. Georgetown University Women in Medicine
11. Women’s Forum at Georgetown University
12. Georgetown Women in Science
13. Women’s Law and Public Policy Fellowship Program
14. Women’s Legal Alliance
15. Women’s Rights International Clinic
16. Georgetown Women of Color
17. Georgetown Women in International Affairs
18. Women’s Foreign Policy Group
19. Women Who Code

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<sup>119</sup> “The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations” (*Case Processing Manual*, p. 20). OCR is already using such discretion to open compliance reviews against institutions which allegedly discriminate against women.

## ADDENDUM B

### PUBLIC CONDEMNATION OF CHRISTINE FAIR

The National Coalition for Men condemns in the strongest terms possible the violent and ugly behaviour of Christine Fair, a Georgetown professor who has openly called for violence and terrorism against men as a class (and several specific men). The statements are as follows:

"Look at the chorus of entitled white men<sup>120</sup> ... All of them deserve miserable deaths while feminists laugh as they take their last gasps. Bonus: we castrate their corpses and feed them to swine? Yes.<sup>121</sup>

The National Coalition for Men has filed a prior Title IX complaint against Northeastern University.<sup>122</sup> In that complaint, we specified that we were not requesting disciplinary action against Suzanne Danuta Walters. While we condemned her hateful opinion, she was not engaging in directed harassment or attempted terrorism against any particular person. No such nuance exists with Christine Fair's ugly terrorist threats, and NCFM is joining the chorus of voices who are requesting the termination of Christine Fair's appointment at Georgetown University. She is an active and ongoing security threat to her male students, she cannot be expected to teach her male students in a fair manner, and her presence creates a hostile environment against young male students on campus.

The Catholic University of America suspended a male dean for merely questioning Julie Swetnick, who made transparently false allegations against Supreme Court nominee Brett Kavanaugh (October 2018).<sup>123</sup> NCFM condemns the sexist double standards of academia, which are inconsistent with the most basic principles of fairness and democracy.

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<sup>120</sup> NCFM has no racial policy. We are interested in defending the civil rights of all men, irrespective of political persuasion and skin colour.

<sup>121</sup> <https://twitter.com/prageru/status/1046784093034143744/photo/1>

<sup>122</sup> <https://www.dailywire.com/news/35081/professor-who-wrote-why-cant-we-hate-men-article-ashe-schow>

<sup>123</sup> <https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

October 11, 2019

Harry Crouch  
President  
National Coalition For Men (NCFM)  
932 C St., Suite B  
San Diego, CA 92101

Re: OCR Complaint No. 11-19-2003  
Notification/Partial Dismissal Letter

Dear Mr. Crouch:

On October 4, 2018, the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against Georgetown University (the University), which you filed on behalf of the National Coalition For Men. You allege that the University discriminates against men on the basis of their sex.

Specifically, the complaint alleges that:

1. The University expresses an unlawful preference for women in its employment and hiring practices;
2. The University endorses several external “outreach” organizations that are exclusionary on the basis of sex;
3. The University offers opportunities and academic programs specifically to women; and
4. The University offers the following opportunities, initiatives, and award programs to women that are not available to men:
  - a. Georgetown Women in Science;
  - b. Women’s Legal Alliance;
  - c. Women’s Foreign Policy Group’s Mentoring Program; and
  - d. Several awards presented by the University’s Women in Medicine.<sup>1</sup>

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

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<sup>1</sup> The John Eisenberg Career Development Award, School for Nursing & Health Studies Mentorship Award, and the Karen Gale Outstanding Achievement Award.

Because OCR determined that it has jurisdiction and that the allegations were timely filed, OCR is opening the following allegations for investigation: Allegation 1; the portion of Allegation 3 pertaining to Georgetown Women’s Center, Georgetown Women’s Alliance, Georgetown University Women in Medicine, Women’s Forum at Georgetown University, Georgetown Women of Color, Women Who Code, and Women in Technology; and, Allegation 4. Based on the complaint, OCR will investigate whether the University expresses an unlawful preference for women in its employment and hiring practices, with respect to Allegation 1; and/or violated Title IX in connection with any of the opportunities, programs, or initiatives identified above with respect to Allegations 3 and 4.

Please note that opening an investigation in no way implies that OCR has made a determination on the merits of the allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.html>. Also, in accordance with the *Case Processing Manual*, a copy of the complaint will be provided to the University. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

After carefully reviewing the information you provided, OCR determined that we will not investigate Allegation 2 and the remaining portion of Allegation 3 discussed below.

### Allegation 2

OCR has determined that certain organizations identified in your complaint are private or non-profit institutions that are not programs of the University, and that you have not provided information suggesting that the University renders significant assistance to those institutions, pursuant to 34 C.F.R. §106.31(b)(6), as follows:

- Asian Women in Business
- American Business Women’s Association
- Financial Women’s Association
- Organization of Women in International Trade
- American Association of Women Dentists

You assert that the University’s association with these organizations counts as “‘significant endorsement’ because the University forms financial and reputational ties with them by delegating recruitment practices to their counsel.” However, you provided no information to indicate that these organizations are a part of or receive significant assistance from the University. The organizations’ websites state that they are independent with chapters around the country, and you provided no information to suggest that the University provides resources, support, or facilities to these organizations.

Further, the following organizations were listed as resources on the University's website:

- National Women's Studies Association
- Society of Women Engineers
- Association for Women in Computing
- Accounting and Financial Women's Alliance

The University lists the National Women's Studies Association as a resource on its webpage for the University's Women's and Gender Studies Program, which is an academic program. The remaining three organizations are listed on the University's career services webpage under the category of "Professional Associations", "Jobs and Internships", or "Industry Guides". However, with respect to all four organizations, there is no information suggesting any connection with the University. You provided no information to suggest that the University provides any approval or support of the organizations beyond listing them. OCR finds that listing these organizations among many others on its website does not constitute significant assistance for purposes of 34 C.F.R. § 106.31(b)(6).

Therefore, OCR is dismissing Allegation 2 under Section 108(c) of OCR's *Case Processing Manual* because, based on all of the facts and information you provided, OCR cannot reasonably conclude that the University violated Title IX.

### Allegation 3

OCR has determined that certain opportunities, organizations, and programs (collectively referred to as "programs") identified as discriminatory in your complaint do not exclude men. You provided website addresses for each program that you allege to be discriminatory. You also provided additional information and arguments about each program. OCR reviewed this information and found no information to suggest that the below-referenced programs exclude or otherwise discriminate against men. In fact, some of the programs specifically invite members of both sexes to participate. Specifically, OCR has made this determination as to the following:

- The Cawley Career Center
- Georgetown Graduate Women in Business

In addition, consistent with the Department of Education Organization Act, Public Law 96-88 at Section 103(b), and pursuant to 34 C.F.R. § 106.42, OCR will not investigate complaint allegations that would require OCR to assess the appropriateness of pedagogical techniques and decisions, such as the proper curriculum of an academic department or program at a university. Because your allegation questions the appropriateness of certain programs' curricula, OCR will not investigate the following:

- The Georgetown Institute for Women, Peace, and Security
- The International Council on Women's Business Leadership
- Georgetown Women's Leadership Institute

- Women’s Law and Public Policy Fellowship Program
- Women’s Rights International Clinic

Finally, you also identified the University’s Women’s and Gender Studies Program (the Program) as being discriminatory towards men. The Program is an academic department at the University with male and female students and faculty members. In addition, as stated above, consistent with the Department of Education Organization Act, Public Law 96-88 at Section 103(b), and pursuant to 34 C.F.R. § 106.42, OCR will not investigate complaint allegations that would require OCR to assess the appropriateness of pedagogical techniques and decisions, such as the proper curriculum of an academic department or program at a university. Because your allegation questions the appropriateness of the Program’s curriculum, OCR has determined that it is not appropriate for investigation.

Based on the information you provided regarding the programs just discussed above, OCR cannot reasonably conclude that the University has violated Title IX. Therefore, with the exception of the programs previously specified on Page 2, OCR is dismissing Allegation 3 under Section 108(c) of OCR’s *Case Processing Manual*.

### Conclusion

For the reasons explained above, OCR is dismissing Allegation 2, and portions of Allegation 3 previously identified, as of the date of this letter and will take no further action on these allegations. You have a right to appeal OCR’s dismissal of these allegations within 60 calendar days of the date of this letter. You must submit an online appeal form (<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/ocrAppealsForm.cfm>) or a written statement of no more than ten (10) pages (double-spaced, if typed) by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; by email to [OCR@ed.gov](mailto:OCR@ed.gov); or by fax to 202-453-6012. The filing date of an appeal is the date that the appeal is submitted online, postmarked, submitted by email, or submitted by fax. In the appeal, you must explain why you believe the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would change OCR’s decision; failure to do so may result in dismissal of the appeal.

However, as noted above, we are opening an investigation of Allegation 1, portions of Allegation 3, and Allegation 4.

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law

enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Betsy Trice, the OCR attorney assigned to this complaint, at [Betsy.Trice@ed.gov](mailto:Betsy.Trice@ed.gov) or 202-453-5931.

Sincerely,



Letisha Morgan-Cosic  
Team Leader, Team II  
District of Columbia Office  
Office for Civil Rights



Kursat Jonathan Pekgoz <whirlflux@gmail.com>

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## Title IX: Brown University

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Kursat Christoff Pekgoz <whirlflux@gmail.com>

29 June 2019 at 03:33

To: Edward Stephens <estephens@malestudies.org>

[Redacted content]

Dear Edward,

Find attached a Title IX complaint against Brown University.

The USC complaint (#09-18-2031) involves at least \$27 million in terms of financial discrimination. The Tulane complaint eliminated at least \$38 million of discriminatory endowment. The amount of financial discrimination at Cornell is beyond my capacity to calculate, but Allegation 10 alone implicates ~\$300 million (out of 30 allegations total). Likewise, the Brown complaint implicates \$165 million in Allegation 3 alone (out of 22 allegations total). On a federal scale, the category of complaints that began with the precedent against the University of Southern California seems to implicate several billion dollars of financial discrimination.

However, breaking the pipeline between Women's Studies Departments and the administrative/editorial positions that their alumnae occupy is even more important than eliminating the financial discrimination delineated above. The power they exert through social media platforms, the diversity bureaucracy, and HR departments is disproportionate and vast.

Kind regards,  
Kursat



**Brown University, Title IX Complaint.pdf**

354K



## Foundation for Male Studies

January 3, 2023

Michael Yogman  
Tom Mortenson

Sent via email

RE: Kursat Pekgoz

Dear Mr. Yogman and Mr. Mortenson,

I am writing to introduce Kursat Pekgoz. He and I have been working together on an OCR submission. It is a TITLE IX investigation of Brown University's program for Women' Studies asserting that it is in violation. This is one of several requests, Yale and Stamford the others. What is remarkable is that our submission has been accepted. The direction we are moving toward is the creation of a Male Studies program at these major institutions.

We are working on two fronts: creation of a curriculum for male studies and developing the rational for such a program. Needless to say, instructors will be needed.

Both of you hold key elements for the development of this new academic discipline. Any assistance will be appreciated.

Edward M. Stephens, MD  
Chairman, Foundation for Male Studies  
Life member, American Medical Association  
Life Member, American Psychiatric Association  
Member, American Academy of Child and Adolescent psychiatry

Office for Civil Rights,  
*Boston Office*  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
Facsimile: (617) 289-0150  
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

HONORABLE REGIONAL DIRECTOR,

PLEASE NOTE THAT I HEREBY FILE THIS FEDERAL CIVIL  
RIGHTS COMPLAINT (TITLE IX) AGAINST BROWN  
UNIVERSITY.

YOURS TRULY,  
EDWARD STEPHENS

CC: Assistant Secretary of Civil Rights, Kenneth Marcus  
CC: Office for Civil Rights Electronic Submission Portal

## PROLOGUE

**GENERAL.** Men are, on average, more disadvantaged than women throughout the world – including the United States.<sup>1</sup> The American criminal justice system is biased against male defendants.<sup>2</sup> Likewise, there are concerns about discrimination against men in the American family court system.<sup>3</sup>

**NO WAGE GAP.** The persistent myth that men earn more than women for the same work is fueled by flawed comparisons which “do not control for many factors that can be significant in explaining earnings differences.”<sup>4</sup> Men “are significantly more likely ... to work longer hours.” In addition, a woman’s decision to take time off for marriage and childbearing is another factor that may result in a lower salary.<sup>5</sup> This was demonstrated in a 2005 study by the Congressional Budget Office which found “no gender gap in wages among men and women with similar family roles.”<sup>6</sup> Furthermore, it is axiomatic that men work in more dangerous jobs and thus are more likely to suffer grievous harm: “riskier jobs get paid more.”<sup>7</sup> Women control 60% of personal wealth and buy 85% of all customer purchases: moreover, 40% of women earn more than their husbands.<sup>8</sup> According to a study in 2010, “single women under 30 actually earned, on average, 8% *more* than their male counterparts.”<sup>9</sup> A recent study found out that women are 36% more likely than men to receive a job offer.<sup>10</sup>

**EDUCATION.** The education system in America is especially biased against men. 77% of all teachers in the public education system are women.<sup>11</sup> Girls have higher grades than boys in all categories.<sup>12</sup> Numerous studies “have shown that stereotyping [by female teachers] can bias teachers’ assessment and grades” against boys.<sup>13</sup> Women are the overrepresented sex among college

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<sup>1</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0205349>

<sup>2</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2144002](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2144002)

<sup>3</sup> <https://ir.library.illinoisstate.edu/cgi/viewcontent.cgi?article=1631&context=etd>

<sup>4</sup> <https://www.bls.gov/opub/reports/womens-earnings/archive/highlights-of-womens-earnings-in-2013.pdf>.

<sup>5</sup> <https://www.wsj.com/articles/the-wage-gap-myth-that-wont-die-1443654408>.

<sup>6</sup> [https://www.nber.org/papers/w11240.pdf?new\\_window=1&mod=article\\_inline](https://www.nber.org/papers/w11240.pdf?new_window=1&mod=article_inline)

<sup>7</sup> <https://www.forbes.com/sites/timworstall/2016/12/21/heres-your-gender-pay-gap-fatal-occupational-injuries/#750063c26c3e>.

<sup>8</sup> <https://girlpowermarketing.com/statistics-purchasing-power-women/>.

<sup>9</sup> [https://www.nber.org/papers/w11240.pdf?new\\_window=1&mod=article\\_inline](https://www.nber.org/papers/w11240.pdf?new_window=1&mod=article_inline)

<sup>10</sup> <http://insight.movemeon.com/insight-analysis/gender/women-more-likely-to-get-hired-than-men>

<sup>11</sup> <https://www.edweek.org/ew/articles/2017/08/15/the-nations-teaching-force-is-still-mostly.html>

<sup>12</sup> <http://www.apa.org/news/press/releases/2014/04/girls-grades.aspx>

<sup>13</sup> <https://seii.mit.edu/wp-content/uploads/2016/11/SEII-Discussion-Paper-2016.07-Terrier-1.pdf>

students nationwide.<sup>14</sup> They are also the majority of law students<sup>15</sup> and medical students.<sup>16</sup> Almost every college offers a Women's Studies Department,<sup>17</sup> but no equivalent programs exist for men.<sup>18</sup> Women are the majority of students [53.3%] and also the majority of academic employees [52.4%] at Brown University.<sup>19</sup>

**SCIENCE, TECHNOLOGY, ENGINEERING, MATH.** Women comprise the majority of doctorate degrees in the health and medical (80%), biological (56%) and social/behavioral (63%) sciences nationally.<sup>20</sup> New civil rights data published by the Department of Education makes it clear that concerns over the underrepresentation of women in STEM education are outdated.<sup>21</sup> Women are at a 2 to 1 advantage over men in STEM faculty hiring.<sup>22</sup> Despite women outpacing men, affirmative action programs continue to be justified on the grounds of implicit gender bias. However, empirical evidence for systemic gender bias in science is tenuous. In fact, men may be held to a higher standard than women in order to warrant praise.<sup>23</sup>

**BIAS IN SEXUAL HARASSMENT ADJUDICATION.** According to institutions that release such data, the overwhelming majority of the persons sanctioned under Title IX theory are male.<sup>24</sup> However, men and women experience some forms of sexual victimization at equivalent rates<sup>25</sup> and the majority of male victims

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<sup>14</sup>[https://nces.ed.gov/programs/digest/d16/tables/dt16\\_322.20.asp](https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp)

<sup>15</sup><https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>

<sup>16</sup>[https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175\\_story.html?utm\\_term=.3873f1eff392](https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175_story.html?utm_term=.3873f1eff392)

<sup>17</sup> <https://datausa.io/profile/cip/050207/>

<sup>18</sup> The creation of a Men's Studies program is not a hypothetical request. There are scholars who would like to teach such subjects (Edward Stephens, Warren Farrell) and there is also demand for such programs. For example, a Facebook page called "Gender Studies for Men" has 10,000+ likes on Facebook, a statistically significant number since most Women's Studies programs have small cohorts: <https://www.facebook.com/GenderStudiesForMen/>

<sup>19</sup> <https://www.collegefactual.com/colleges/brown-university/student-life/diversity/>

<sup>20</sup> <http://www.aei.org/publication/women-earned-majority-of-doctoral-degrees-in-2017-for-9th-straight-year-and-outnumber-men-in-grad-school-137-to-100-2/>

<sup>21</sup><https://www.ed.gov/news/press-releases/us-department-education-releases-2015-16-civil-rights-data-collection>

<sup>22</sup> <https://www.pnas.org/content/112/17/5360>

<sup>23</sup> <https://www.psychologytoday.com/blog/rabble-rouser/201707/gender-bias-in-science-or-biased-claims-gender-bias>

<sup>24</sup> *Stanford University's 2018 Title IX Report:*

<https://news.stanford.edu/2018/02/27/provost-issues-campus-wide-report-title-ix-sexual-harassment-cases/>

*Yale University's 2018 Title IX Report:*

[https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report\(1\).pdf](https://provost.yale.edu/sites/default/files/files/FINAL%20February%202018%20Report(1).pdf)

<sup>25</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4062022/>

report female perpetrators.<sup>26</sup> The majority of Title IX administrators nationwide are women.<sup>27</sup> The unfairness of Title IX tribunals has received widespread and bipartisan criticism.<sup>28,29,30,31,32,33</sup>

**CHILLING EFFECT.** Male students/professors who deviate from the orthodoxy of campus gender politics often face mobbing or termination. There are many such examples, including (but not limited to) cases covered by the press.<sup>34,35,36,37,38</sup>

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<sup>26</sup> <https://www.sciencedirect.com/science/article/pii/S1359178916301446?via%3Dihub>

<sup>27</sup> [https://www.nas.org/articles/gender\\_inequity\\_among\\_the\\_gender\\_equity\\_enforcers](https://www.nas.org/articles/gender_inequity_among_the_gender_equity_enforcers)

<sup>28</sup> <https://dash.harvard.edu/handle/1/33789434>

<sup>29</sup> <https://reason.com/blog/2018/02/19/ruth-bader-ginsburg-due-process-me-too>

<sup>30</sup> <https://www.wsj.com/articles/jerry-browns-title-ix-veto-1508280834>

<sup>31</sup> <http://www.saveservices.org/wp-content/uploads/Victim-Centered-Practices-Open-Letter-FINAL.docx.pdf>

<sup>32</sup> <https://www.washingtontimes.com/news/2016/may/18/law-professors-letter-denounces-title-ix-overreach/>

<sup>33</sup> [https://www.nas.org/articles/nas\\_applauds\\_secretary\\_devos\\_decision\\_on\\_title\\_ix](https://www.nas.org/articles/nas_applauds_secretary_devos_decision_on_title_ix)

<sup>34</sup> <http://www.foxnews.com/us/2018/03/12/college-student-kicked-out-class-for-telling-professor-there-are-only-two-genders.html>

<sup>35</sup> <https://www.andrewlawton.ca/pro-free-speech-professor-rick-mehta-fired-by-acadia-university/>

<sup>36</sup> <https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>

<sup>37</sup> <https://pjmedia.com/trending/students-demand-professor-fired-after-he-champions-due-process-says-accusers-sometimes-lie/>

<sup>38</sup> <https://www.washingtontimes.com/news/2019/jan/7/peter-boghossian-portland-state-univ-professor-fac/>

## LEGAL THEORY

The Supreme Court prohibits gender discrimination against men. In *Craig v. Boren*, the Supreme Court censured the use of sex in a statute that prohibited vendors from selling high-alcohol beer to males only.<sup>39</sup> The Court found the statute's reliance on "broad sociological propositions by statistics ... a dubious business, and one that inevitably is in tension with the normative philosophy that underlies the Equal Protection Clause."<sup>40</sup> Original and appellate courts have proscribed sex discrimination against men as well as women,<sup>41</sup> and decisions have been based on different laws and statutes including Title IX, Title VI, Title VII and the Fourteenth and Fifth Amendments.<sup>42</sup>

The Supreme Court has consistently rejected "overbroad generalizations about the different talents, capacities or preferences of males and females" as a basis for sex classifications in other state and federal laws.<sup>43</sup> In *Mississippi Univ. for Women v. Hogan (Hogan)*,<sup>44</sup> the Supreme Court held that denying men enrolment in a nursing program was impermissible gender classification under the Equal Protection Clause of the Fourteenth Amendment.<sup>45</sup> Though the issue concerned an equal protection challenge,<sup>46</sup> the decision is helpful in

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<sup>39</sup> *Craig v. Boren*, 429 US 190, 202, 204 (1976).

<sup>40</sup> *Ibid.* at p. 210. "We conclude that the gender-based differential contained in Okla. Stat., Tit. 37, § 245 (1976 Supp.) constitutes a denial of the equal protection of the laws ... and reverse the judgment of the District Court." The Court allowed the vendor to "rely upon the equal protection objections of males 18-20 years of age to establish her claim of unconstitutionality of the age-sex differential." *Id.* at pp. 192-93.

<sup>41</sup> *Craig v. Boren*, 429 US 190, 202, 204 (1976) ("Indeed, prior cases have consistently rejected the use of sex as a decision-making factor even though the statutes in question certainly rested on far more predictive empirical relationships than this."); *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 582 US \_\_\_, 198 L. Ed. 2d 150 (2017) (invalidating a law that treated men less favorably than women in determining citizenship); *Orr v. Orr*, 440 U.S. 268 (1979) (invalidating Alabama statute that imposed alimony obligations on husbands, but not wives); *Caban v. Mohammed*, 441 U.S. 380 (1979) (invalidating New York statute that required the consent of the mother, but not the father, to permit the adoption of an illegitimate child).

<sup>42</sup> In *Glenn v. Brumby*, 663 F. 3d 1312 (11th Cir. 2011) the Eleventh Circuit drew upon U.S. Supreme Court cases interpreting Title VII to reach its conclusion in favor of the plaintiff, even though the plaintiff chose to pursue only a remedy for the Fourteenth Amendment violation.

<sup>43</sup> *United States v. Virginia*, 518 U.S. 515, 533 (1996) (denying women admission to a state military institute); see also, *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 582 US \_\_ (2017) (invalidating law that effectively treated men less favorably than women in acquiring U.S. citizenship); *Weinberger v. Wiesenfeld*, 420 U. S. 636, 640-41, 653 (1975) (invalidating federal law that denied benefits to male single parents, but allowed benefits for females).

<sup>44</sup> *Mississippi Univ. for Women v. Hogan*, 458 U.S. 7, 18, 724 (1982).

<sup>45</sup> *Ibid.*, at pp. 720-21, quoting *Wengler v. Druggists Mutual Ins. Co.*, 446 U. S. 142, 150 (1980).

<sup>46</sup> *Ibid.*, at p. 730. Under the Equal Protection Clause, the discriminating entity must be a government or state actor and must show the gender classification serves "important governmental objectives and that the discriminatory means employed" are "substantially related to the achievement of those objectives." *Ibid.* at p. 724. Claims may be brought under both Title IX and for violations of equal

evaluating whether Brown's sex restriction for certain benefits is reasonable. In *Hogan*, the Supreme Court reasoned that a sex classification must be

...determined through reasoned analysis rather than through the mechanical application of traditional, often inaccurate, assumptions about the proper roles of men and women. Care must be taken in ascertaining whether the statutory objective itself reflects archaic and stereotypic notions. Thus, *if the statutory objective is to exclude or "protect" members of one gender because they are presumed to suffer from an inherent handicap or to be innately inferior, the objective itself is illegitimate* [italics added]<sup>47</sup>

*Mississippi Univ. for Women v. Hogan*, 458 U.S. 7, 18, 724 (1982)

Circuit courts agree with this normative philosophy and expanded upon the use of Title IX to eliminate discrimination against men. The Second Circuit of Appeals has clarified that discrimination against men is unconstitutional even in the absence of malicious intent *and* even for a short period of time.<sup>48</sup> The Sixth Circuit of Appeals has clarified that unlawful anti-male bias can be inferred when the overwhelming majority of the impacted parties are male.<sup>49</sup> The Court of Appeals for the Armed Forces has clarified that stacking a jury pool with female victim advocates created an unconstitutional bias against a male defendant.<sup>50</sup> The Eighth Circuit of Appeals has clarified that past discrimination against women cannot justify female-only programs in today's world.<sup>51</sup>

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protection under 42 USC § 1983. *Fitzgerald v. Barnstable School Committee*, 555 U.S. 246, 129 S.Ct. 788, 790 (2009)

<sup>47</sup> *Ibid.*, at pp. 724-725.

<sup>48</sup> "A defendant is not excused from liability for discrimination because the discriminatory motivation does not result from a discriminatory heart, but rather from a desire to avoid practical disadvantages that might result from unbiased action. A covered university that adopts, even temporarily, a police of bias favoring one sex over the other in a disciplinary dispute, doing so in order to avoid liability or bad publicity, has practiced sex discrimination, notwithstanding that the motive for the discrimination did not come from ingrained or permanent bias against that particular sex." *Doe v. Columbia University*, No. 15-1536, 26 (2d Cir. 2016).

<sup>49</sup> "The statistical evidence that ostensibly shows a pattern of gender-based decision-making and external pressure on Miami University supports at the motion-to-dismiss stage a reasonable inference of gender discrimination ... nearly ninety percent of students found responsible for sexual misconduct between 2011 and 2014 have male first-names." *Doe v. Miami University*, No. 17-3396, 15 (6th Cir. 2018).

<sup>50</sup> "Following *voir dire* and challenges, the seven-member panel that convicted and sentenced Appellant was composed of five women, four of whom were victim advocates – persons trained to provide support and counselling to victims of rape and sexual assault – and two men ... In this case, the Government presented no evidence of benign intent at the *DuBay* hearing, and we hold that those involved in the selection process believed court stacking based on gender would influence the result of Appellant's court-martial. Further, the Government has not established that the error was harmless beyond a reasonable doubt. *United States v. Bartlett*, 66 M.J. 426, 430 (C.A.A.F. 2008). The decision of the United States Coast Guard Court of Criminal Appeals (CGCCA) is reversed" (*United States v. Riesbeck*, No. 17-0208-CG (C.A.A.F. 2018)).

<sup>51</sup> "The parties agree that girls historically have been underrepresented in Minnesota high school athletics. However ... in both the 2016–17 and 2017–18 school years, the parties' means of determining representation show that boys have been slightly underrepresented in high school athletics. Thus, the

The plain language of Title IX, predicated in 34 CFR §106, prohibits any institution from funding/sponsoring discriminatory scholarships, programs, fellowships and initiatives. Title IX prohibits recipients from listing, soliciting, approving, sponsoring discriminatory scholarships even if they are entirely external to the University.<sup>52</sup> Even *listing* discriminatory scholarships is in express violation of Title IX: nothing in the language of 34 CFR §106 suggests that an institution is allowed to *mention* a discriminatory scholarship or program on its webpages.<sup>53</sup> Title IX prohibits discrimination in terms of counselling.<sup>54</sup> Title IX prohibits discrimination in terms of health benefits.<sup>55</sup> Title IX prohibits any kind of *preference* for admission in any educational entity, or its substituent chapters.<sup>56</sup> In determining whether discrimination occurs, Title IX requires an assessment of the *overall effect*.<sup>57</sup> Fraternities and sororities are exempt from Title IX, but professional clubs are not.<sup>58</sup>

There are even narrower Title IX precedents for this complaint. For example, Michigan State University converted a women-only study space in the Michigan Union to a gender-neutral lounge, following a Title IX complaint.<sup>59</sup> Texas A&M University was subject to a Title IX complaint because it eliminated its last male-only dorm while preserving multiple female-only dorms.<sup>60</sup> The Oregon Department of Education compelled South Eugene High School to replace the title “Axemen” with “Axe” in order to promote inclusivity.<sup>61</sup> In a previous Title IX precedent, the University of Southern

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League has not shown that the underlying problem it initially sought to remedy by creating all-girl teams – the overall underrepresentation of girls in high school athletics – continues to exist, at least in Minnesota. Without this underlying problem to remedy, the League cannot prohibit boys from participating on girls’ teams unless it has some other “exceedingly persuasive” justification for doing so” (*D.M. v. Minnesota State High School League*, No. 18-3077, 9 (8<sup>th</sup> Cir. 2019).

<sup>52</sup> 34 CFR § 106.37.

<sup>53</sup> 34 CFR §106.37(a)(2) expressly prohibits even *listing* any outside organization’s offerings to its “students in a manner which discriminates on the basis of sex. In reading 106.31(b)(6) and 106.37(a)(2) together, “significant assistance” would thus include the mere listing of a sex-discriminatory offering.

<sup>54</sup> 34 CFR § 106.36.

<sup>55</sup> 34 CFR § 106.39.

<sup>56</sup> 34 CFR § 106.22.

<sup>57</sup> 34 CFR § 106.37.

<sup>58</sup> As per an internal memorandum from 1989, which makes a distinction between *social* and *professional* clubs:

<https://www2.ed.gov/about/offices/list/ocr/docs/memo-re-fraternities-and-sororities.pdf>

In a more general sense, there is a balancing effect between the fraternities and sororities of Cornell University, even if both fraternities and sororities are sex-exclusive. Cornell offers a plethora of *professional* clubs for the female majority, with no equivalent programs for the male minority. As such, the overall effect is discriminatory against men.

<sup>59</sup> [https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm\\_term=.e559327d8b60](https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm_term=.e559327d8b60)

<sup>60</sup> <https://www.thecollegefix.com/post/31646/>

<sup>61</sup> [http://www.oregonlive.com/education/index.ssf/2018/02/eugene\\_officials\\_chop\\_south\\_eu.html](http://www.oregonlive.com/education/index.ssf/2018/02/eugene_officials_chop_south_eu.html)

California agreed to change the name of the “Center for Women and Men” (implying a hierarchy of victimhood) into “Relationship and Sexual Violence Prevention Services.” The gender-neutral title had a substantial, positive effect on male participation in the Center.<sup>62</sup> The press has reported that the Department of Education is investigating Yale University<sup>63</sup> and the University of Southern California<sup>64</sup> and for similar Title IX violations. In a different precedent, Stanford University agreed that female-only gym training hours constitute a violation of Title IX and offered to create male-only gym training hours to create a sense of balance.<sup>65</sup> Tulane University has transformed a female-only institute and opened its programs to both sexes.<sup>66</sup> Also worth mentioning is Minnesota State University’s decision to open three female-only scholarships to both sexes.<sup>67</sup> The Department of Education has launched investigations of a similar kind under various jurisdictions.<sup>68,69</sup>

Nowhere in this complaint do we infer discrimination based on disproportionate enrolment and disparate impact alone.<sup>70</sup> However, it is possible to infer a Title IX violation when there exists obvious causation between the counseling/appraisal materials of a particular department and the underrepresentation of a particular sex within that department.<sup>71</sup> The fact that these scholarships and programs are endorsed as “women only” or heavily biased in favor of women is adequate, in and of itself, to infer disparate treatment. Such endorsement has a clearly dissuasive effect on males. This effect is akin to a German campus rejecting Jewish applicants in excess of the

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<sup>62</sup> “In 2014, only 71 male students used the *Center for Women and Men* throughout the academic year. By 2016, this number had increased to 1943 male students” (Resolution Letter, Title IX Complaint Against the University of Southern California, Docket #09-16-2128, p. 21).

<sup>63</sup> <https://www.campusreform.org/?ID=10899>

<sup>64</sup> <https://www.campusreform.org/?ID=10931>

<sup>65</sup> “The University informed OCR that it has modified the weightlifting program. It has now instituted both “men-focused” and “women-focused” weightlifting hours, which are open to all students regardless of gender. Both weightlifting sessions are open for the same amount of time two times a week” (Resolution Letter, Title IX Complaint, Docket #09-18-2175, p. 1).

<sup>66</sup> <https://www.aei.org/publication/successful-title-ix-complaint-forces-tulane-university-to-end-gender-discrimination/>

<sup>67</sup> <http://www.wctrib.com/news/education/4523708-rules-women-only-grants-changed-after-mans-discrimination-charge-university>

<sup>68</sup> <https://www.aei.org/publication/title-ix-updates-ocr-opens-investigations-against-git-fit/>

<sup>69</sup> <https://www.aei.org/publication/title-ix-update-ocr-opens-investigations-against-boston-university-and-the-university-of-rhode-island/>

<sup>70</sup> The ratio of female/male enrolment is relevant primarily in terms of determining the “underrepresented sex.” Women are no longer the “underrepresented sex” in colleges.

<sup>71</sup> 34 CFR §106.36(c): “where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.”

maximum quota<sup>72</sup> or state-sanctioned hate speech against non-Muslims in Saudi Arabia<sup>73</sup> or indeed, the “separate but equal” doctrine struck down in *Brown v. the Board of Education*. These exclusionary practices create a hostile environment against prospective male applicants. As per United States policy, hostile environment can occur even in the absence of intent to harm or even if the hostility is not directed at a particular target. Nor does hostile environment require sexual intent: gender animus or hostility based on sexual stereotypes is sufficient to trigger Title IX liability (*Dear Colleague Letter*, 2010, p. 8).<sup>74</sup> This includes situations in which “students are harassed for exhibiting what is perceived as a stereotypical characteristic for their sex” (*ibid*). For example, men who are stereotyped and vilified on account of their masculinity are protected by Title IX.

Given the *overall effect*, no reasonable person would inquire whether it is necessary to identify any male students who have specifically applied to these programs (and who have specifically received rejections) before the United States can take corrective action against the discrimination. The United States must not inquire whether any futile applications have been made to these exclusionary programs before issuing injunctive relief against them.

Supreme Court doctrine is unambiguous on this question: in the presence of clearly discriminatory practices, the victims of discrimination are not the small class of people who “subject themselves to personal rebuffs” but all persons who are negatively affected despite their “unwillingness to engage in a futile gesture.” Put in other words, the United States cannot limit itself to offering redress to men who specifically apply to programs and offerings which refer to themselves as “Women Only” (or which maintain all-female compositions despite meaningless disclaimers or ambiguous language).

If an employer should announce his policy of discrimination by a sign reading "Whites Only" on the hiring-office door, his victims would not be limited to the few who ignored the sign and subjected themselves to personal rebuffs. The same message can be communicated to potential applicants more subtly but just as clearly by an employer's actual practices - by his consistent discriminatory treatment of actual applicants, by the manner in which he publicizes vacancies, his recruitment techniques, his responses to casual or tentative inquiries, and even by the racial or ethnic composition of that part of his work force from which he has discriminatorily excluded members of minority groups. When a person's desire for a job is not translated into a formal application

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<sup>72</sup> *The Law against Overcrowding in Schools and Universities*:

[https://link.springer.com/chapter/10.1007%2F978-3-0348-9008-3\\_12](https://link.springer.com/chapter/10.1007%2F978-3-0348-9008-3_12)

<sup>73</sup> <https://www.aljazeera.com/news/2017/09/hrw-saudi-arabia-hate-speech-target-minorities-170926082722213.html>

<sup>74</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420.pdf>

solely because of his unwillingness to engage in a futile gesture he is as much a victim of discrimination as is he who goes through the motions of submitting an application.

*Teamsters v. United States*, 431 U.S. 324, 365 (1977)<sup>75</sup>

The analogy presented herein (comparing “Whites Only” programs to “Women Only” programs) is legally binding. The Congress made little meaningful distinction between sexual discrimination and racial discrimination in qualifying the Civil Rights Act of 1964.<sup>76</sup> Another binding Supreme Court precedent which rules out the necessity of identifying an entire class before challenging openly discriminatory policies is *Weinberger v. Wiesenfeld* (1975). In this precedent, the Supreme Court upheld a district court ruling in which a single widower was granted standing to challenge (and strike down) an openly discriminatory policy:

“Wiesenberg applied for social security benefits for himself and his son, and was told that his son could receive them but that he could not. [...] He claimed that the relevant section of the Social Security Act unfairly discriminated on the basis of sex and sought summary judgement. [...] Appellee filed this suit in February 1973, *claiming jurisdiction under 28 U.S.C. 1331, on behalf of himself and of all widowers similarly situated. [emphasis added]*. He sought a declaration that 402 (g) is unconstitutional to the extent that men and women are treated differently, an injunction restraining appellant from denying benefits under 402(g) solely on the basis of sex, and payment of past benefits [...] After the three-judge court determined that it had jurisdiction, it granted summary judgement in favor of appellee, and issued an order giving appellee the relief he sought.”

*Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)<sup>77</sup>

There are other very real and very pressing reasons which make it not only impractical but also impossible to identify a class of grievants, or even individual male complainants. Male students/professors who raise such concerns are often silenced with extreme prejudice. Lake Ingle, a male student, was kicked out of class in Indiana University for engaging in civil disagreement with a radical feminist professor (March 2018).<sup>78</sup> A board member at the University of Virginia (Fred W. Scott Jr.) was forced to resign from his position

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<sup>75</sup> <https://supreme.justia.com/cases/federal/us/431/324/>

<sup>76</sup> The analogy is legally binding because Title IX, which prohibits discrimination on the basis of sex in educational institutions, uses the language of Title VI, which prohibits discrimination on the basis of race or national origin. 117 CONG. Rec. 30,156 (1971).

<sup>77</sup> <https://supreme.justia.com/cases/federal/us/420/636/#tab-opinion-1951258>

<sup>78</sup> <http://www.foxnews.com/us/2018/03/12/college-student-kicked-out-class-for-telling-professor-there-are-only-two-genders.html>

because he criticized female-only programs at the University (August 2018).<sup>79</sup> A male professor (Rick Mehta) was fired from Acadia University because of “sexist” comments (September 2018).<sup>80</sup> Catholic University of America suspended a male dean for merely questioning Julie Swetnick, who made allegations of harassment against the Supreme Court nominee, Brett Kavanaugh (October 2018).<sup>81</sup> A male Ph.D. student who challenged his institution’s anti-male policies was deprived of his stipend.<sup>82</sup> When the cost of free speech is so high and the chilling effect is so potent, it would be unreasonable to shift the burden of gathering such elusive evidence upon the complaining parties.

Another obstacle is institutional resistance. Institutions often conceal or resist the disclosure of vital civil rights data in order to avoid legal liability, making it even more impractical for a reasonable complainant to obtain such evidence. For example, Georgetown University has resisted the disclosure of such data in the past.<sup>83</sup> Likewise, Yale University resisted federal directives<sup>84</sup> and destroyed crucial information during a pending lawsuit.<sup>85</sup> While a student complainant was able to obtain data about Stanford’s discriminatory policies in financial aid distribution, this data surfaced only accidentally and is not available on a routine basis.<sup>86</sup> The United States can easily overcome this problem by requesting copies of internal complaints filed with Brown University, in addition to conducting polls and interviews with Brown students, and with the public at large.

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<sup>79</sup> *“There are no United White People College Funds or White Students' Alliances or Men Against Drunk Driving. Even at a 'tolerant university' ... especially there! Women's Initiative [sic]. We both support it. Is there a Men's Initiative???”*

<https://www.insidehighered.com/quicktakes/2018/09/06/uva-center-board-member-resigns-after-explaining-why-women-didnt-want-go-shoe>

<sup>80</sup><https://www.andrewlawton.ca/pro-free-speech-professor-rick-mehta-fired-by-acadia-university/>

<sup>81</sup><https://thehill.com/blogs/blog-briefing-room/news/409090-catholic-university-suspends-dean-over-comment-that-degraded>

<sup>82</sup><https://pjmedia.com/trending/ph-d-student-files-federal-complaint-says-usc-retaliated-against-his-pro-men-title-ix-activism/>

<sup>83</sup> “Repeated attempts to obtain data on any gender inequity at Georgetown have been rebuffed or ignored by campus officials.” <https://www.thecollegefix.com/georgetown-creates-task-force-to-advance-gender-equity-but-refuses-to-discuss-gender-statistics/>

<sup>84</sup> “Despite the Trump administration’s reversal of Obama-era policies encouraging schools to use affirmative action to diversify their student bodies, Yale will continue to use race as a factor in admissions.”

<https://yaledailynews.com/blog/2018/07/05/yale-to-continue-using-race-in-admissions-defying-trump-administration/>

<sup>85</sup> “The destruction of those notes could be a violation of federal law, legal experts say.”

<https://yaledailynews.com/blog/2018/09/21/legal-experts-yale-may-have-violated-clery-act/>

<sup>86</sup><https://www.sfchronicle.com/education/article/Stanford-University-data-glitch-exposes-truth-12396695.php>

There is compelling national interest in stopping the demographic decline of men in the higher education system. An undereducated class of men are more likely to end up in criminal activity, less likely to support their dependents, and less likely to support the infrastructure of the nation. Moreover, significant public support exists behind the public policy proposed herein. For example, a video by Stephanie Hamill received 1.4 million views.<sup>87</sup> A coalition complaint against Cornell University was shared 10,000 times.<sup>88</sup> Two articles about similar complaints were shared 12,000+ times on social media.<sup>89</sup> 61% of male students at Yale University agree with the operational logic of a similar complaint, according to one poll conducted by Yale itself, and 26% of male students believe they were specifically victims of anti-male discrimination themselves.<sup>90</sup> According to recent poll conducted by YouGov, 69% of all Americans believe that men face discrimination to some extent. 74% of men believe that such discrimination occurs, while 63% of women agree that men face some degree of discrimination (p. 102).<sup>91</sup> There are other examples of the American public reacting sharply against anti-male policies. For example, a YouTube video about a Gillette ad has garnered more than a million negative votes.<sup>92</sup> An article criticizing OCR: Boston for its biased policies against men received ~160,000 views.<sup>93</sup>

The complaint is timely because all programs listed below involve ongoing and systematic gender discrimination. Moreover, we are requesting indefinite waivers for each and every allegation. OCR<sup>94,95</sup> can reopen “cold” cases whenever proper (even if they were previously dismissed) and waive the deadline under a series of circumstances.

The complaint seeks to eliminate gender discrimination against men without jeopardizing the civil rights of women. When injunctive relief is granted, the *female majority* will still be able to compete with the *male minority* on equal footing. As such, we are not requesting affirmative action for men.

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<sup>87</sup> <https://www.facebook.com/Americanvoicesthedailycaller/videos/683586881973534/>

<sup>88</sup> <https://www.campusreform.org/?ID=11853>

<sup>89</sup> <https://www.campusreform.org/?ID=11249> && <https://www.campusreform.org/?ID=10899>

<sup>90</sup> <https://yaledailynews.com/blog/2018/09/16/mens-rights-move-in-on-yale/>

<sup>91</sup> [https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/7dh1943i0z/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/7dh1943i0z/econTabReport.pdf)

<sup>92</sup> <https://www.youtube.com/watch?v=koPmuEyP3a0>

<sup>93</sup> <https://www.dailywire.com/news/46458/foia-request-reveals-boston-title-ix-office-has-ashe-schow>

<sup>94</sup> <https://www.algemeiner.com/2018/09/07/education-dept-to-probe-whether-rutgers-university-tolerates-hostile-environment-for-jewish-students/>

<sup>95</sup> <https://www.nytimes.com/2019/04/09/us/texas-tech-affirmative-action.html>

## LIST OF EXCLUSIONARY PROGRAMS

This list includes some exclusionary programs and scholarships, external or internal, active as of June 2019. The list is neither exhaustive nor final: OCR should request information regarding *all* women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Brown University.<sup>96,97</sup> Title IX also prohibits discrimination in programs which are externally funded if these programs receive any kind of endorsement/assistance by the recipient institution. This includes mere *listing*.<sup>98</sup> There are no male-only programs operative at Brown University which can balance the female-only programs listed herein.

1. **Brown University** violates Title IX by expressing an unlawful preference for women in its employment/hiring/purchasing practices.
  - a. As per its **Affirmative Action Plan**,<sup>99</sup> Brown University implements affirmative action for women in employment,<sup>100</sup> even though women are the majority of students and academic employees.
  - b. As per its **Affirmative Action Plan**, Brown University offers preferential treatment to “Minority and Women Owned Vendors.”<sup>101</sup>
  
2. **Brown University: School of Engineering** violates Title IX by affording preferential treatment to women in various aspects, as per

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<sup>96</sup> “The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations” (Case Processing Manual, p. 20). OCR must use its discretion in a manner which maximizes its opposition to civil rights violations against men, consistent with the intentionality of Supreme Court doctrine. If OCR chooses to narrow the scope of its discretion, OCR must state the reasons behind the decision. Please note that OCR is already using its discretion to launch compliance reviews against institutions that allegedly engage in discrimination against women. Therefore, OCR’s refusal to launch compliance reviews to combat discrimination against men (while launching such reviews to combat alleged discrimination against women) may be actionable under Title IX.

<sup>97</sup> Except sororities (exemption) and female athletic programs (subject to a different system of inquiry), all female-only programs and preferences are categorically suspect.

<sup>98</sup> 34 CFR § 106.37(a)(2).

<sup>99</sup> Attached hereto as **Exhibit A**.

<sup>100</sup> “Brown University will continue to make strong and positive efforts to ensure that qualified minorities and *women* .. are provided appropriate consideration for employment” (Affirmative Action Plan for Minorities and *Women*, p. 4). Please note that documents that are published on Brown’s official websites are valid and currently binding, irrespective of the current timestamp.

<sup>101</sup> “The Purchasing Services is responsible for ... proactively identifying new and existing minority and *women*-owned vendors for the University ... their responsibilities also include continuing to identify vendors in support of diversity and inclusion supplier initiatives” (pp. 12-13).

its DIAP.<sup>102</sup> **The Summary Table of Recommendations** specifies various forms of discrimination (pp. 17-21). These preferences include special preferences in terms of student admissions, faculty recruitment, outreach, conferences, orientation programs, advisor panels, mandatory diversity statements, professional counselling, mentorships, workshops, luncheons, et cetera. All violate Title IX.

3. **Brown University** violates Title IX because it devotes a massive amount of funding (\$165 million) to implement its **Diversity Action Plan**.<sup>103</sup> The lavish initiatives include “endowed professorships, graduate student fellowships, and curricular and co-curricular initiatives” (p. 2). “These annual plans include goals to recruit minorities and women” (p. 16). The Diversity Action Plan claims that women are underrepresented in STEM and implements proactive efforts to increase female representation, even though women are the majority of students and academic employees (and even though women are actually the majority of STEM students nationwide).<sup>104</sup> Brown University has no programs to implement affirmative action for men in the disciplines wherein they are underrepresented. As such, all sex-specific initiatives listed in the Diversity Action Plan violate Title IX.

4. **The Sarah Doyle Center for Women and Gender** violates Title IX.<sup>105</sup> While the *overall effect* is hostile, we propose the following criteria for analysis.

- a. There is no Men’s Center at Brown University.
- b. The name refers to women, but not men.
- c. All members are women (12/12).<sup>106</sup>
- d. The Center offers “women peer counsellors,” but nothing equivalent for men.<sup>107</sup>
- e. The Center endorses/funds an exhibit for “Women’s History” series, with nothing equivalent for men. All presenters/speakers are women (24/24).<sup>108</sup>

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<sup>102</sup> Attached hereto as **Exhibit B**.

<sup>103</sup> Attached hereto as **Exhibit C**.

<sup>104</sup> <http://www.aei.org/publication/gender-gap-in-stem-women-are-majority-of-stem-grad-students-and-they-earn-a-majority-of-stem-bachelors-degrees/>

<sup>105</sup> <https://www.brown.edu/campus-life/support/sarah-doyle-center/>

<sup>106</sup> <https://www.brown.edu/campus-life/support/sarah-doyle-center/guiding-philosophies/staff>

<sup>107</sup> <https://www.brown.edu/campus-life/support/sarah-doyle-center/center-events-programs/women-peer-counselors>

<sup>108</sup> <https://www.brown.edu/campus-life/support/sarah-doyle-center/center-events-programs/womens-history-series>

- f. The Center has a hollow disclaimer which purports that all genders are welcome,<sup>109</sup> but this clause fails in light of the obvious circumstances highlighted above. Since there exists obvious causation between the appraisal materials of the Center and the underrepresentation of men, there is a violation of Title IX.<sup>110</sup>
- g. Moreover, the mission statement and learning objectives explicitly stipulate feminism, which means (in practice) that any individual who does not subscribe to feminist ideology cannot attend this program (nor teach at the program).<sup>111</sup> This creates an unlawful chilling effect upon the First Amendment rights of prospective students/scholars. Academics raised such concerns in the past.<sup>112</sup> Moreover, it may have a dissuasive effect on prospective advisees.

**5. The Pembroke Center for Research on Women violates Title IX.**<sup>113</sup> While the *overall effect* is hostile, we propose the following criteria for analysis.

- a. There is no Men's Studies Department at Brown University, nor any Center for Research on Men.<sup>114</sup>
- b. The name of the department invokes women only.
- c. Men are severely underrepresented among board members (2/11).<sup>115</sup> Men are severely underrepresented

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<sup>109</sup> <https://www.brown.edu/campus-life/support/sarah-doyle-center/>

<sup>110</sup> 34 CFR §106.36(c).

<sup>111</sup> The mandatory curriculum stipulates courses in women's history and feminist theory. This is a prescriptive requirement which limits the First Amendment rights of prospective applicants. <https://www.brown.edu/research/pembroke-center/gender-and-sexuality-studies/undergraduate-concentration-gender-sexuality-studies>

<sup>112</sup> <https://www.insidehighered.com/views/2016/04/25/new-diversity-requirements-umass-amherst-compel-speech-and-belief-essay>

<sup>113</sup> <https://www.brown.edu/research/pembroke-center/>

<sup>114</sup> The creation of a Men's Studies program is not a hypothetical request and there are many intellectuals, academics, and activists who would be interested in teaching gender issues from this specific perspective. These activists believe their perspectives are distinct enough to constitute a separate branch, instead of integration into current Women's Studies curriculum. We can file a formal petition with Cornell University to create such a program and submit a preliminary curriculum, if required. Likewise, there are students who would be interested in taking such courses. For example, a Facebook page called "Gender Studies for Men" has 10,000 likes, which indicates unmet interest. Given the relatively small cohorts of Women's Studies Departments, this number is statistically significant.

<https://www.facebook.com/GenderStudiesForMen/>

<sup>115</sup> <https://www.brown.edu/research/pembroke-center/undergraduate-concentration-gender-and-sexuality-studies/gender-and-sexuality-studies-board>

among affiliated faculty (26/103).<sup>116</sup> All profiled/endorsed students are women (5/5).<sup>117</sup> The history/mission statement is preoccupied with women only and all past Directors have been women.<sup>118</sup> There exists obvious causation between the underrepresentation of men and the counselling/appraisal materials used by the Department.<sup>119</sup>

- d. The program's emphasis on "feminism" augments an inference of bias.<sup>120</sup> "Feminism" is defined as "organized activity on behalf of women's rights and interests."<sup>121</sup> Moreover, women who strongly identify as feminists are more likely to sacrifice men in ethical dilemmas, according to sociological studies on the subject.<sup>122</sup> Moreover, the mission statement and learning objectives explicitly stipulate feminism, which means (in practice) that any individual who does not subscribe to feminist ideology cannot attend this program (nor teach at the program).<sup>123</sup> This creates an unlawful chilling effect upon the First Amendment rights of prospective students/scholars. Academics have raised such concerns in the past.<sup>124</sup>
- e. All panels, associate events, and tuition-funded activities involve sex-specific advocacy for women only.<sup>125</sup>

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<sup>116</sup> <https://www.brown.edu/research/pembroke-center/undergraduate-concentration-gender-and-sexuality-studies/gender-and-sexuality-studies-affiliated-fac>

<sup>117</sup> <https://www.brown.edu/research/pembroke-center/gender-and-sexuality-studies/student-profiles>

<sup>118</sup> <https://www.brown.edu/research/pembroke-center/about/history>

<sup>119</sup> 34 CFR §106.36(c).

<sup>120</sup> For example, their mission statement refers to feminism.

<https://www.brown.edu/research/pembroke-center/about>

<sup>121</sup> <https://www.merriam-webster.com/dictionary/feminism>

<sup>122</sup> See, e.g., van Breen, Jolien A et al. "Subliminal Gender Stereotypes: Who Can Resist?" *Personality & social psychology bulletin* 146167218771895. To quote: "We found that subliminal exposure to stereotypes (vs. counter-stereotypes) led *women who identify relatively strongly with feminists*, but less strongly with women, to (a) persist in a math task, (b) show increased willingness to sacrifice men in a Moral Choice Dilemma task, and (c) show implicit in-group bias on an evaluative priming task" (abstract). The moral dilemma involves loss of life: "In four scenarios, participants are asked to sacrifice a man to save several others (of unspecified gender), and in four other scenarios they are asked to sacrifice a woman."

<sup>123</sup> The mandatory curriculum stipulates courses in women's history and feminist theory. This is a prescriptive requirement which limits the First Amendment rights of prospective applicants.

<https://www.brown.edu/research/pembroke-center/gender-and-sexuality-studies/undergraduate-concentration-gender-sexuality-studies>

<sup>124</sup> <https://www.insidehighered.com/views/2016/04/25/new-diversity-requirements-umass-amherst-compel-speech-and-belief-essay>

<sup>125</sup> <https://www.brown.edu/research/pembroke-center/research-lectures-and-conferences/pembroke-center-associates-events>

- f. The Pembroke Center has an archive devoted to sex-specific advocacy for women, but nothing equivalent for men.<sup>126</sup>

**6. Brown University: Women in Medicine and Science** violates Title IX.<sup>127</sup> Brown University does not offer, fund, endorse, promote, or associate with any programs for men in the disciplines wherein they are underrepresented. Moreover, women are the majority of medical students nationwide.<sup>128</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>129</sup>
- c. All advisory board members are women.<sup>130</sup>
- d. The Executive Leadership in Academic Medicine (ELAM) discriminates against males.<sup>131</sup>
- e. The program endorses/lists/associates with various sex-specific programs that benefit women only, with nothing equivalent for men.<sup>132</sup>
  - i. AAMC Group on Women in Medicine and Science (GWIMS),
  - ii. Rhode Island Medical Women's Association (RIMWA),
  - iii. American Medical Women's Association (AMWA)
  - iv. Academy of Women's Health,
  - v. Sex and Gender in Emergency Medicine,
  - vi. Sex & Gender Women's Health Collaborative,
  - vii. Women in Medicine Mentoring Programs.

**7. Brown University** violates Title IX because it offers/promotes/lists various female-only scholarships, with nothing equivalent for the

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<sup>126</sup> <https://www.brown.edu/research/pembroke-center/christine-dunlap-farnham-archives>

<sup>127</sup> <https://www.brown.edu/about/administration/biomed/women-in-medicine-and-science/>

<sup>128</sup> [https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175\\_story.html?utm\\_term=.3873f1eff392](https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175_story.html?utm_term=.3873f1eff392)

<sup>129</sup> "The Office of *Women* in Medicine ... dedicated to the advancement of *women* faculty, residents, students, and trainees ... Office of *Women* in Medicine and Science (OWIMS) serves to network *women* in medicine and science ... The Office's primary areas of focus are: professional advancement of *women* faculty, house officers, students, and trainees ... recognition programs for *women* in medicine and science ... *women's* health research and education."

<https://www.brown.edu/about/administration/biomed/women-in-medicine-and-science/about>

<sup>130</sup> <https://www.brown.edu/about/administration/biomed/women-in-medicine-and-science/about/owims-advisory-board>

<sup>131</sup> <https://www.brown.edu/about/administration/biomed/women-in-medicine-and-science/executive-leadership-academic-medicine-elam>

<sup>132</sup> <https://www.brown.edu/about/administration/biomed/women-in-medicine-and-science/>

male minority. These scholarships almost always specify the sex of the applicant, i.e. female. Title IX also prohibits discriminatory preferences in any context related to employment, including advertisement.<sup>133</sup> Title IX moreover prohibits discriminatory appraisal materials.<sup>134</sup>

- a. **The School of Engineering's** affirmative action scholarships violate Title IX.
  - i. *The Target of Opportunity* states a preference for female applicants (Exhibit B, p. 5).
  - ii. *The Hibbit Fellowship* states a preference for female applicants (*ibid.*, p. 5).
  - iii. *The Presidential Diversity Postdoctoral Fellowship* states a preference for female applicants (*ibid.*, p. 6).
- b. **The Pembroke Center** violates Title IX by engaging in financial discrimination.<sup>135</sup>
  - i. *Ruth Simmons Prize in Gender and Women's Studies*,<sup>136</sup>
  - ii. *Joan Wallach Scott Prize*,<sup>137</sup>
  - iii. *Marie J. Langlois Dissertation Prize*,<sup>138</sup>
  - iv. *Helen Terry MacLeod Prize*,<sup>139</sup>
  - v. *Steinhaus/Zisson Pembroke Center Research Grants*,<sup>140</sup>
  - vi. *The Helen Terry MacLeod Research Grant*,<sup>141</sup>
  - vii. *The Barbara Anton Internship Grant*,<sup>142</sup>

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<sup>133</sup> 34 CFR § 106.59.

<sup>134</sup> 34 CFR § 106.36.

<sup>135</sup> <https://www.brown.edu/research/pembroke-center/gender-and-sexuality-studies/research-grants-and-internships>

<sup>136</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Simmons%20prize%20recipients\\_7.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Simmons%20prize%20recipients_7.pdf)

<sup>137</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/JWS%20prize%20recipients\\_2.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/JWS%20prize%20recipients_2.pdf)

<sup>138</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Langlois%20Dissertation%20prize%20recipients\\_3.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Langlois%20Dissertation%20prize%20recipients_3.pdf)

<sup>139</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/MacLeodPrizeRecipients\\_0.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/MacLeodPrizeRecipients_0.pdf)

<sup>140</sup> The overwhelming majority of past recipients have been women (25/27).

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Steinhaus-Zisson%20grant%20recipients\\_3.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Steinhaus-Zisson%20grant%20recipients_3.pdf)

<sup>141</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/MacLeodGrantRecipients\\_3.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/MacLeodGrantRecipients_3.pdf)

<sup>142</sup> The overwhelming majority of past recipients have been women (17/19).

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Anton%20recipient%20list\\_4.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/Anton%20recipient%20list_4.pdf)

- viii. *The Linda Pei Undergraduate Research Grant*,<sup>143</sup>
  - ix. *Enid Wilson Undergraduate Travel Fellowship*,<sup>144</sup>
  - x. *Shauna M. Stark '76 P'10 Postdoctoral Fellowship*, which has an endowment of \$1.5 million.<sup>145</sup>
- c. **Brown University** violates Title IX by endorsing/listing discriminatory scholarships on official digital publications.
- i. American Association of University Women Scholarships,<sup>146</sup>
  - ii. National Women's Study Association Scholarships,<sup>147</sup>
  - iii. National Science Foundation ADVANCE Program,<sup>148</sup>
  - iv. Natural Science and Engineering Research Council of Canada Chairs for Women in Science and Engineering Program,<sup>149</sup>
  - v. Sigma Delta Epsilon – Graduate Women in Science Fellowships,<sup>150</sup>
  - vi. UNESCO-L'Oreal Grants for Young Women Scientists,<sup>151</sup>
  - vii. American Business Women's Association (ABWA) Scholarships,<sup>152</sup>
  - viii. American Medical Women's Association (AMWA) Scholarships,<sup>153</sup>
  - ix. Anne C. Carter Global Health Fellowship,<sup>154</sup>

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<sup>143</sup> All past recipients have been women.

<https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/PeiGrantrecipients.pdf>

<sup>144</sup> All past recipients have been women.

[https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/EnidWilsonRecipients\\_2.pdf](https://www.brown.edu/research/pembroke-center/sites/brown.edu.research.pembroke-center/files/uploads/EnidWilsonRecipients_2.pdf)

<sup>145</sup> <https://www.brown.edu/research/pembroke-center/news/2019-03/two-major-gifts-pembroke-center-create-new-postdoctoral-fellowship-and-strengthen-its-a>

<sup>146</sup> <https://www.brown.edu/about/administration/financial-aid/researching-fellowships-scholarships-and-financial-resources>

<sup>147</sup> *Ibid.*

<sup>148</sup> <https://www.brown.edu/academics/gradschool/living-resources/family-resources/womens-resources/grants-women-science>

<sup>149</sup> *Ibid.*

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> <https://www.brown.edu/academics/medical/financial-aid/scholarships>

<sup>153</sup> *Ibid.*

<sup>154</sup> The scholarship is clearly for women only.

<https://www.amwa-doc.org/students/awards/anne-c-carter-global-health-fellowship/>

- x. *Daughters of American Revolution Medical Scholarships*,<sup>155</sup>
- xi. Dr. Marie Zakrzewski Medical Scholarship,<sup>156</sup>
- xii. FINCAD *Women in Finance Scholarship*,<sup>157</sup>
- xiii. Ida Foreman Fleisher Fund,<sup>158</sup>
- xiv. Joan F. Giambalvo Memorial Scholarship,<sup>159</sup>
- xv. Leah J. Dickstein MD Award,<sup>160</sup>
- xvi. Margaret McNamara Memorial Fund (World Bank),<sup>161</sup>
- xvii. RIMWA *Women's Health Research Scholarship*,<sup>162</sup>
- xviii. Wellesley College Scholarships,<sup>163</sup>
- xix. *Women in Medicine (WIM) Leadership Scholarships*.<sup>164</sup>

**8. Brown University: Women's Leadership Council** violates Title IX.<sup>165</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men: "criteria for membership consideration include ... [being] an alumna of Brown University."<sup>166</sup>
- c. All council members are women (71/71).<sup>167</sup> All leadership positions are occupied by women.<sup>168</sup>
- d. All past speakers were women.<sup>169</sup>
- e. The program raises and uses substantial funds, ranging somewhere between \$10 million and \$30 million.<sup>170</sup>

<sup>155</sup> <https://www.brown.edu/academics/medical/financial-aid/scholarships>

<sup>156</sup> "...awarded each year to a young *woman*." *Ibid.*

<sup>157</sup> "...open to all *women* of any age and citizenship." *Ibid.*

<sup>158</sup> "This fund provides scholarships for *women*." *Ibid.*

<sup>159</sup> "...\$10,000, with goal of promoting *women* in the medical profession ... address interests of *women* physicians and medical students." *Ibid.*

<sup>160</sup> "...open to *female* medical students." *Ibid.*

<sup>161</sup> "*Women* from developing countries." *Ibid.*

<sup>162</sup> "...recognizing the special needs of *women* in medicine, both as practitioners and patients." *Ibid.*

<sup>163</sup> "...available for *women* medical students." *Ibid.*

<sup>164</sup> "...for *female* medical students." *Ibid.*

<sup>165</sup> <https://www.brown.edu/about/administration/womens-leadership-council/>

<sup>166</sup> <https://www.brown.edu/about/administration/womens-leadership-council/leaders>

<sup>167</sup> <https://www.brown.edu/about/administration/womens-leadership-council/leadership/membership>

<sup>168</sup> <https://www.brown.edu/about/administration/womens-leadership-council/about-us/committees>

<sup>169</sup> <https://www.brown.edu/about/administration/womens-leadership-council/news/events/past-events>

<sup>170</sup> <https://www.brown.edu/about/administration/womens-leadership-council/philanthropists>

**9. Brown University: Women in Science and Engineering** violates Title IX.<sup>171</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>172</sup>
- c. All members are women.

**10. Society of Women Engineers: Brown University Chapter** violates Title IX.<sup>173</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>174</sup>
- c. All executive board members are women.<sup>175</sup>

**11. Association of Women in Mathematics: Brown University Chapter** violates Title IX.<sup>176</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>177</sup>
- c. All members of the Brown chapter are women (14/14).<sup>178</sup>  
All members of the national executive committee are women (16/16).<sup>179</sup>

**12. Brown University: Women in Computer Science** violates Title IX.<sup>180</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>181</sup>

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<sup>171</sup> <https://www.brown.edu/academics/college/support/women-in-science-and-engineering/>

<sup>172</sup> The objective of the program is to “increase the number of *women* studying in the areas of STEM,” and “to encourage *female* students to pursue their course of study in STEM,” and “to provide opportunities for WISE members to gather with Brown professors and *women* in STEM-related fields to discuss ideas and issues affecting *women* in STEM.”

<https://www.brown.edu/academics/college/support/women-in-science-and-engineering/about>

<sup>173</sup> <http://brownu.swe.org/>

<sup>174</sup> The objective of the program is to “build a community of *female* engineers at Brown” and “to stimulate *women*.” *Ibid.*

<sup>175</sup> <http://brownu.swe.org/leadership.html>

<sup>176</sup> <https://www.brown.edu/academics/applied-mathematics/about/brown-chapter-association-women-mathematics>

<sup>177</sup> The objective of the program is to “encourage *women* ... offering an essential forum to the rising number of young *women* ... excellent opportunity to gather *women*.” *Ibid.*

<sup>178</sup> [https://www.brown.edu/academics/applied-mathematics/sites/brown.edu.academics.applied-mathematics/files/images/web\\_Group%20Picture%202017.jpg](https://www.brown.edu/academics/applied-mathematics/sites/brown.edu.academics.applied-mathematics/files/images/web_Group%20Picture%202017.jpg)

<sup>179</sup> <https://awm-math.org/about/executive-committee/>

<sup>180</sup> <http://cs.brown.edu/people/orgs/wics/>

<sup>181</sup> The objective of the program is to “increase the participation of *women* in the field of Computer Science,” having been created by “*female* undergraduate students at Brown.” *Ibid.*

- c. Attendees in a recent event were overwhelmingly women. The event was titled, “Women in the Industry, Q&A.”<sup>182</sup>

**13. Brown University: Graduate Women in Science and Engineering** violates Title IX.<sup>183</sup>

- a. The name refers to women only.
- b. The national organization distributes discriminatory scholarships.<sup>184,185</sup> Both the board of directors and the executive board consist of women only.<sup>186,187</sup> They endorse a program called Million Women Mentors, with nothing equivalent for men.<sup>188</sup>
- c. All participants in the most recent meeting of the Brown chapter were women (32/32).<sup>189</sup>

**14. New England Graduate Women in Science and Engineering** violates Title IX.<sup>190</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>191</sup>
- c. The program receives support from Brown University.<sup>192</sup>
- d. All executive board members are women.<sup>193</sup>

**15. ICERM: WiSDM** violates Title IX.<sup>194</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>195</sup>

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<sup>182</sup> [https://www.facebook.com/pg/BrownUWics/events/?ref=page\\_internal](https://www.facebook.com/pg/BrownUWics/events/?ref=page_internal)

<sup>183</sup> <https://www.facebook.com/BrownGWiSE/>

<sup>184</sup> All past recipients of the National GWIS Meritorious Service Award have been women (32/32).

[https://www.gwis.org/page/meritorious\\_service](https://www.gwis.org/page/meritorious_service)

<sup>185</sup> GWIS National Fellowship Program accepts applications from women only: “awards will be made to women holding a degree from a recognized institution of higher learning.”

[https://www.gwis.org/page/fellowship\\_program](https://www.gwis.org/page/fellowship_program)

<sup>186</sup> [https://www.gwis.org/page/board\\_of\\_directors](https://www.gwis.org/page/board_of_directors)

<sup>187</sup> [https://www.gwis.org/page/executive\\_board](https://www.gwis.org/page/executive_board)

<sup>188</sup> <https://www.gwis.org/page/MillionWomenMentors>

<sup>189</sup> <https://www.facebook.com/BrownGWiSE/>

<sup>190</sup> <https://negwise.wordpress.com/>

<sup>191</sup> “NE GWISE is alliance between groups of graduate women in STEM ... we are joining together to support and celebrate women-identified graduate students in STEM fields ... we support ideas and actions to increase diverse representation of women in STEM departments.”

<https://negwise.wordpress.com/home-2/>

<sup>192</sup> <https://negwise.wordpress.com/school-representation/>

<sup>193</sup> <https://negwise.wordpress.com/executiveboard/>

<sup>194</sup> [https://icerm.brown.edu/topical\\_workshops/tw19-5-wisdm/#workshopoverview](https://icerm.brown.edu/topical_workshops/tw19-5-wisdm/#workshopoverview)

<sup>195</sup> “WiSDM 2019 is a research collaboration targeted toward women ... this program will bring together women at all stages of their careers.” *Ibid.*

- c. All group leaders are women. Moreover, all speakers are women (64/64).<sup>196</sup>

**16. The Artemis Project** violates Title IX.<sup>197</sup>

- a. The plain language is discriminatory against men.<sup>198</sup>
- b. All participants are women.<sup>199</sup>
- c. Brown University is a sponsor.<sup>200</sup>

**17. Spira Engineering Camp** violates Title IX.<sup>201</sup>

- a. The plain language is discriminatory against men: “Spira is a four week summer engineering camp ... we bring together 15 (fifteen) young women from a range of high schools.”<sup>202</sup>
- b. All participants are women.<sup>203</sup>
- c. Brown University is a sponsor and host.<sup>204</sup>

**18. We@Brown: Women’s Empowerment Conference** violates Title IX.<sup>205</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>206</sup>
- c. All affiliated persons are women (21/21).<sup>207</sup>

**19. Brown University: Women’s Launch Pad** violates Title IX.<sup>208</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>209</sup>
- c. All members are women.<sup>210</sup>

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<sup>196</sup> [https://icerm.brown.edu/topical\\_workshops/tw19-5-wisdm/#workshopparticipants](https://icerm.brown.edu/topical_workshops/tw19-5-wisdm/#workshopparticipants)

<sup>197</sup> <http://cs.brown.edu/people/orgs/artemis/2019/index.html>

<sup>198</sup> “We invite students of all underrepresented genders in STEM to apply (i.e. female, trans, and non-binary students).”

<http://cs.brown.edu/people/orgs/artemis/2019/about.html>

<sup>199</sup> [https://www.facebook.com/pg/TheArtemisProject/photos/?tab=album&album\\_id=848468265202439&ref=page\\_internal](https://www.facebook.com/pg/TheArtemisProject/photos/?tab=album&album_id=848468265202439&ref=page_internal)

<sup>200</sup> <http://cs.brown.edu/people/orgs/artemis/2019/sponsors.html>

<sup>201</sup> <https://spiraengineeringcamp.wixsite.com/home>

<sup>202</sup> <https://spiraengineeringcamp.wixsite.com/home/about-us>

<sup>203</sup> <https://spiraengineeringcamp.wixsite.com/home/single-post/2015/07/10/Day-5-Field-Day-Friday>

<sup>204</sup> <https://spiraengineeringcamp.wixsite.com/home/contact>

<sup>205</sup> <http://brownentrepreneurship.com/we-at-brown>

<sup>206</sup> “WE@BROWN will bring students and female leaders ... our mission is to empower women.” *Ibid.*

<sup>207</sup> *Ibid.*

<sup>208</sup> <https://www.brown.edu/about/administration/womens-leadership-council/mentoring-WLP>

<sup>209</sup> The program is defined as a “Brown-based program that facilitates mentoring relationships between alumnae and female students.” The program “has grown to include over 1,800 Brown women and continues to connect women across generations, career paths, and all aspects of life.” *Ibid.*

<sup>210</sup> <https://www.facebook.com/BrownWLP/>

**20.125 Years of Women at Brown Conference Series** violates Title IX.<sup>211</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>212</sup>
- c. All speakers were women (63/63).<sup>213</sup> All attendees were women.<sup>214</sup>
- d. The conference is annual.<sup>215</sup>

**21. Brown University: Women in Business** violates Title IX.<sup>216</sup>

- a. The name refers to women only.
- b. The plain language is discriminatory against men.<sup>217</sup>
- c. All executive members are women (15/15).<sup>218</sup>

**22. Feminist Theory Archive** violates Title IX because the *overall effect* is discriminatory.<sup>219</sup>

- a. The name refers to *feminism*, which is sex-specific advocacy.
- b. Men are underrepresented among advisory board members (1/18).<sup>220</sup> Men are underrepresented among contributors.<sup>221</sup> There exists obvious causation between the underrepresentation of men and the counselling/appraisal materials used by the Archive, in violation of Title IX.<sup>222</sup>
- c. There is no male equivalent.

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<sup>211</sup> <https://www.brown.edu/about/administration/womens-leadership-council/news/events/conference-125-years-women-brown>

<sup>212</sup> "Brown welcomed generations of *alumnae* back to campus ... over 700 *women* ... attended the conference." *Ibid.*

<sup>213</sup> <https://www.brown.edu/about/administration/womens-leadership-council/news/events/conference-125-years-women-brown#panelsandspeakers>

<sup>214</sup> <https://brunonia.brown.edu/alumni/article/sisterhood-brown>

<sup>215</sup> <https://www.brown.edu/about/administration/womens-leadership-council/news/events/brown-womens-week>

<sup>216</sup> <http://brownwib.strikingly.com/>

<sup>217</sup> "Brown University *Women in Business* connects aspiring leaders with ... *alumnae* across the country. We design events particular to the *female* perspective, equipping young undergraduate *women* with the skills necessary to lead in any industry." *Ibid.*

<sup>218</sup> <http://brownwib.strikingly.com/#leadership>

<sup>219</sup> <https://www.brown.edu/research/pembroke-center/feminist-theory-archive>

<sup>220</sup> <https://www.brown.edu/research/pembroke-center/feminist-theory-archive/feminist-theory-archive-advisory-board>

<sup>221</sup> <https://www.brown.edu/research/pembroke-center/archives/feminist-theory-archive/donors-collections-feminist-theory-archive>

<sup>222</sup> 34 CFR §106.36(c).

## INJUNCTIVE RELIEF

This complaint requests the following injunctive relief, in any reasonable combination thereof:

- The negation of discriminatory language/practices, whenever proper. There is Title IX precedent for such conversion.<sup>223</sup>
- The elimination of affirmative action on the basis of sex, in whatever context appropriate.
- The elimination of discriminatory programs within a reasonable time period, whenever proper.
- The conversion of discriminatory programs into gender-neutral programs within a reasonable time period, whenever proper. If such conversion occurs, the names of the programs must be changed into gender-neutral titles, and the programs must begin to actively recruit male students and professors. There is Title IX precedent for such conversion.<sup>224</sup>
- The creation of male-specific or male-focused programs and/or scholarships and/or research centers to offset the balance, whenever proper. There is Title IX precedent for the creation of such programs.<sup>225</sup> We can submit a prospective syllabus and a list of potential hires for a hypothetical Male Studies Department, if need be.
- Any other form of injunctive relief, whenever proper (such as a future ban on all such programs).

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<sup>223</sup> The University of Southern California agreed to change the name of its Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services* during a Title IX investigation. The name change had a substantial, positive effect on male participation in the Center (Resolution Letter, Title IX Complaint, Docket #09-16-2128).

<sup>224</sup> Tulane University agreed to open a variety of female-only scholarships, programs, and institutes to both men and women after a resolution letter with the Department of Education (Resolution Letter, Title IX Complaint, Docket #06-18-2230).

<sup>225</sup> Stanford University agreed to create male-specific gym training hours to counterbalance female-specific gym training hours after a resolution letter with the Department of Education (Resolution Letter, Title IX Complaint, Docket #09-18-2175).

**ADDENDUM**  
**(LIST OF DISCRIMINATORY PROGRAMS)**

1. Brown University (*affirmative action*)
  - a. *Employment preferences*
  - b. *Vendor associations*
2. Brown: College of Engineering (*affirmative action*)
3. Brown: Diversity Action Plan (*affirmative action*)
4. Sarah Doyle Center (Women's Center)
5. The Pembroke Center (Women's Studies)
6. Brown Women in Medicine and Science
7. Brown University (*scholarships*)
8. Brown Women's Leadership Council
9. Brown Women in Science and Engineering
10. Society of Women Engineers: Brown University chapter
11. Association of Women in Math: Brown University chapter
12. Brown Women in Computer Science
13. Brown Graduate Women in Science
14. New England Graduate Women in Science and Engineering
15. ICERM: WiSDM
16. The Artemis Project
17. Spira Engineering Camp
18. We@Brown: Women's Empowerment Conference
19. Brown Women's Launch Pad
20. 125 Years of Women at Brown
21. Brown: Women in Business
22. Feminist Theory Archive



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

8<sup>TH</sup> FLOOR, 5 POST OFFICE SQUARE  
BOSTON, MA 02109-3921

REGION I

CONNECTICUT  
MAINE  
MASSACHUSETTS  
NEW HAMPSHIRE  
RHODE ISLAND  
VERMONT

December 5, 2022

Edward M. Stephens, MD  
By email: [estephens@malestudies.org](mailto:estephens@malestudies.org)

Re: Complaint No. 01-19-2162  
Brown University

Dear Edward Stephens:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint you filed against Brown University, which OCR will refer to as the University. You allege that certain University programs and activities discriminate against males on the basis of sex, including employment practices, scholarships, and programs for University students and alumni, and high school students.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the University receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title IX.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Please also note that complainants may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

[www.ed.gov](http://www.ed.gov)

protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Kaleigh Hogan, Civil Rights Attorney, at (617) 289-0028 or by email at [Kaleigh.Hogan@ed.gov](mailto:Kaleigh.Hogan@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tokufumi J. Noda', with a stylized flourish at the end.

Tokufumi J. Noda  
Compliance Team Leader

## *Global Magnitsky Sanctions Proposal Against Persons Affiliated with the Erdogan Administration*

26 January 2020

Kursat Christoff Pekgoz

**SUMMARY.** There is a sense of global consensus that Recep Tayyip Erdogan, Turkey's increasingly tyrannical president, has committed various crimes against humanity. This document enumerates various examples of grand corruption committed by Erdogan's political cohort, to propose sanctions under the S.284 - Global Magnitsky Human Rights Accountability Act.

**CRIMES AGAINST HUMANITY.** Erdogan's presidential record includes electoral fraud,<sup>1</sup> persecution of religious minorities,<sup>2</sup> war crimes in Africa,<sup>3</sup> war crimes in Syria,<sup>4</sup> massacring Kurdish civilians,<sup>5</sup> banning Wikipedia and Twitter,<sup>6</sup> centralized online censorship,<sup>7</sup> rewriting the constitution to arrogate unlimited executive powers,<sup>8</sup> eliminating judiciary autonomy,<sup>9</sup> persecuting academics,<sup>10</sup> and imprisoning journalists.<sup>11</sup> Various commentators called him as a tyrant,<sup>12</sup> a terrorist,<sup>13</sup> and a war criminal.<sup>14</sup> Erdogan's parliament sought to pass a bill which would offer amnesty to

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<sup>1</sup><https://www.nytimes.com/2017/04/18/world/europe/turkey-referendum-is-haunted-by-allegations-of-voter-fraud.html>

<sup>2</sup><https://www.neweurope.eu/article/report-offers-grim-assessment-of-religious-and-minority-rights-in-erdogans-turkey/>

<sup>3</sup> <https://www.gatestoneinstitute.org/15116/turkey-boko-haram-weapons>

<sup>4</sup> <https://www.newsday.com/opinion/commentary/donald-trump-recep-tayyip-erdogan-turkey-war-crimes-1.38490788>

<sup>5</sup> <https://www.independent.co.uk/voices/erdogan-turkey-kurds-border-syria-war-trump-ethnic-cleansing-a9204581.html>

<sup>6</sup> [https://www.vice.com/en\\_us/article/z4pppe/turkey-has-blocked-wikipedia-and-is-censoring-twitter](https://www.vice.com/en_us/article/z4pppe/turkey-has-blocked-wikipedia-and-is-censoring-twitter)

<sup>7</sup> <https://www.reuters.com/article/us-turkey-internet-censorship/turkey-moves-to-oversee-all-online-content-raises-concerns-over-censorship-idUSKCN1UR539>

<sup>8</sup> <https://time.com/5320864/recep-tayyip-erdogan-turkey-election-referendum/>

<sup>9</sup> <https://www.fdd.org/analysis/2016/06/24/erdogans-new-assault-on-turkeys-judiciary/>

<sup>10</sup> <https://www.nytimes.com/2019/07/08/opinion/turkey-crackdown-academics.html>

<sup>11</sup> <https://rsf.org/en/news/turkey-world-leader-imprisoned-journalists>

<sup>12</sup> <https://www.telegraph.co.uk/news/worldnews/europe/turkey/12192119/Is-Turkey-ruled-by-a-tyrant-We-may-soon-have-an-answer.html>

<sup>13</sup> <https://nypost.com/2019/09/23/turkey-is-now-a-haven-for-terrorists-and-an-enabler-of-terrorism/>

<sup>14</sup> <https://www.gatestoneinstitute.org/10302/erdogan-crimes>

child rapists and legalize child brides.<sup>15</sup> He has destroyed archaeological sites important for Greek and Kurdish cultural legacy.<sup>16</sup> Erdogan seeks to violate the Montreux Convention, an international treaty.<sup>17</sup> The Greek Republic has declared an intent to sue Turkey, under the jurisdiction of the World Court.<sup>18</sup> Erdogan's government is the most frequent violator of the European Convention of Human Rights, among 47 signatory states.<sup>19</sup>

**GLOBAL TERRORISM.** Erdogan has provided political and logistical support to al-Qaeda,<sup>20</sup> Hamas,<sup>21</sup> Boko Haram,<sup>22</sup> Syrian jihadists,<sup>23</sup> and ISIS.<sup>24</sup> There is press coverage about afflicted African Christians.<sup>25</sup> Erdogan believes that Muslims should conquer Europe via demographic jihad.<sup>26</sup> He served five months in prison for encouraging violence against non-Muslims in the past.<sup>27</sup> He threatened to send captured ISIS fighters to Europe.<sup>28</sup>

**CONSENSUS BEHIND SANCTIONS.** There is unanimous consensus among the people of the world about the necessity of sanctions against Erdogan. He has been condemned by international human rights organizations like Amnesty International,<sup>29</sup> Human Rights Watch,<sup>30</sup> Freedom House,<sup>31</sup> the International Observatory.<sup>32</sup> The United States House of

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<sup>15</sup><https://www.sozcu.com.tr/hayatim/yasam-haberleri/kadinlar-tek-bir-agizdan-haykirdi-cocuk-istismarinin-affi-olmaz/>

<sup>16</sup> <https://www.independent.co.uk/voices/commentators/the-rising-tide-of-destruction-5369983.html>

<sup>17</sup><https://www.voanews.com/europe/controversy-growing-turkey-over-erdogans-massive-canal-project>

<sup>18</sup><https://www.reuters.com/article/us-greece-turkey-hague/greece-proposes-world-court-if-maritime-dialogue-with-turkey-fails-idUSKBN1YX08M>

<sup>19</sup> <https://armenianweekly.com/2018/04/04/turkey-is-the-most-frequent-violator-of-european-convention-on-human-rights/>

<sup>20</sup> <https://www.turkishminute.com/2017/10/28/opinion-erdogan-vigorously-defends-turkish-al-qaeda-group-that-has-cells-in-germany/>

<sup>21</sup> <https://www.telegraph.co.uk/news/2019/12/17/hamas-plots-attacks-israel-turkey-erdogan-turns-blind-eye/>

<sup>22</sup> <https://www.gatestoneinstitute.org/15116/turkey-boko-haram-weapons>

<sup>23</sup> <https://www.gatestoneinstitute.org/12061/turkey-jihadists-syria>

<sup>24</sup> <https://www.nordicmonitor.com/2019/09/erdogan-governments-role-in-isis-oil-trade-exposed/>

<sup>25</sup> <https://www.wsj.com/articles/the-new-war-against-africas-christians-11576880200>

<sup>26</sup> <https://www.nytimes.com/2017/03/17/world/europe/erdogan-turkey-future-of-europe.html>

<sup>27</sup> <https://www.nytimes.com/1998/04/22/world/istanbul-mayor-an-islamist-is-given-10-month-jail-term.html>

<sup>28</sup> <https://www.reuters.com/article/us-cyprus-turkey-eu/turkeys-erdogan-says-talks-with-eu-may-end-over-cyprus-sanctions-idUSKBN1XM19C>

<sup>29</sup> <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/>

<sup>30</sup> <https://www.hrw.org/news/2020/01/14/turkey-release-jailed-critics-respect-election-results>

<sup>31</sup> <https://freedomhouse.org/report/freedom-world/2018/turkey>

<sup>32</sup> <https://freedomhouse.org/report/freedom-world/2018/turkey>

Representatives called for sanctions against Erdogan's tyranny,<sup>33</sup> and so did a United States committee.<sup>34</sup> There are two members of Erdogan's cabinet who are currently on the Magnitsky Sanctions list, i.e. his Minister of Justice and Minister of Interior, due to their involvement in the unlawful detention of Pastor Brunson.<sup>35</sup>

The European Union pressed sanctions against Erdogan over violations of international maritime law.<sup>36</sup> The United Nations suggested a war crimes tribunal against the Turkish government for war crimes in Syria.<sup>37</sup> Israel classifies the Erdogan government as a threat.<sup>38</sup> The Arab League condemned Erdogan's attempts to invade Syria.<sup>39</sup> The prime minister of the United Kingdom, Boris Johnson, has expressed contempt for Erdogan.<sup>40</sup> Swedish legislators pressed charges of genocide against Erdogan's government.<sup>41</sup>

**CORRUPTION.** Corruption is not an accidental occurrence within the Erdogan government, nor the occasional indulgence of a few stray officials. Corruption is the *modus operandi* of Erdogan and his allies, consistent throughout his career. Erdogan has a salary of €50,000 per year, but he now boasts a massive wealth (billions of Euros) through the sale of Syrian oil from ISIS.<sup>42</sup> He lives in a palatial estate worth at least \$600 million, inspired by Hitleresque architecture.<sup>43</sup> Turkey is Europe's worst performer in terms of anti-corruption measures.<sup>44</sup>

Specific scandals are summarized below. I have enumerated them according to the first date of disclosure to the public.

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<sup>33</sup> <https://www.congress.gov/bill/116th-congress/house-bill/4695>

<sup>34</sup> <https://www.reuters.com/article/us-turkey-usa-sanctions-idUSKBN1YF24P>

<sup>35</sup> <https://home.treasury.gov/news/press-releases/sm453>

<sup>36</sup> <https://www.mayerbrown.com/en/perspectives-events/publications/2019/11/european-union-imposes-sanctions-on-turkey>

<sup>37</sup> <https://www.reuters.com/article/syria-security-turkey-un/update-1-u-n-urges-turkey-to-investigate-executions-in-syria-idUSL5N270Z2>

<sup>38</sup> <https://www.timesofisrael.com/in-first-turkey-included-as-threat-in-idfs-annual-intel-assessment/>

<sup>39</sup> <https://www.voanews.com/middle-east/arab-league-condemns-turkeys-syria-incursion-calls-un-action>

<sup>40</sup> <https://www.theguardian.com/politics/2016/may/19/boris-johnson-wins-most-offensive-erdogan-poem-competition>

<sup>41</sup> <https://www.thelocal.se/20170711/swedish-mps-file-genocide-complaint-against-turkeys-erdogan>

<sup>42</sup> <https://www.rt.com/news/342240-bild-erdogan-children-money/>

<sup>43</sup> <https://www.npr.org/sections/parallels/2014/12/24/370931835/turkeys-president-and-his-1-100-room-white-palace>

<sup>44</sup> <https://ahvalnews.com/corruption/turkey-europes-worst-performer-anti-corruption-measures-report>

## 2004 “Swiss Banks” Scandal.

There are reports (dating back to 2004) about Erdogan’s unlawful Swiss bank accounts – which hold at least €800 million. These reports have been confirmed by the United States State Department<sup>45</sup> and German intelligence agencies.<sup>46</sup> Erdogan comes from a lower-middle class background and has a small presidential salary which *cannot* explain such wealth. To quote Eric Edelman, United States ambassador,<sup>47</sup>

“However, in increasing numbers AKPers from ministers on down, and people close to the party, are telling us of conflicts of interest or serious corruption in the party at the national, provincial and local level and among close family members of ministers. We have heard from two contacts that Erdogan has eight accounts in Swiss banks; his explanations that his wealth comes from the wedding presents guests gave his son and that a Turkish businessman is paying the educational expenses of all four Erdogan children in the U.S. purely altruistically are lame.

(S) Among the many figures mentioned to us as prominently involved in corruption are Minister of Interior Aksu, Minister of Foreign Trade Tuzmen, and AKP Istanbul provincial chairman Muezzinoglu. As we understand it from a contact in the intel directorate of Turkish National Police, a continuing investigation into Muezzinoglu's extortion racket and other activities has already produced evidence incriminating Erdogan.”

(2004)

## 2008 “Deniz Feneri” (Lighthouse) Scandal.

*Deniz Feneri* (Lighthouse) is an Islamic charity, with close ties to Erdogan’s cohort. The charity is notorious for its ongoing corruption. The German government pressed criminal charges against the German chapter of *Deniz Feneri* back in 2008, leading to several criminal sentences. Donations equaled at least €41 million.<sup>48</sup>

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<sup>45</sup> <https://www.reuters.com/article/us-turkey-wikileaks-idUSTRE6B407420101205>

<sup>46</sup> <http://www.anadoluturkhaber.com/TR/Detail/German-Intelligence-Knows-About-Erdogan%E2%80%99s-Swiss-Bank-Accounts/4378>

<sup>47</sup> [https://wikileaks.org/plusd/cables/04ANKARA7211\\_a.html](https://wikileaks.org/plusd/cables/04ANKARA7211_a.html)

<sup>48</sup> <https://www.dw.com/en/german-court-hands-down-jail-terms-in-islamic-charity-scandal/a-3652266>

## 2013 “Shoeboxes” Scandal.

This high-profile corruption leak involves a scheme to bypass United States sanctions against Iran, through intermediaries and a Turkish bank called *Halkbank*.<sup>49</sup> Leaked audiotapes make it clear that Erdogan was personally instructing his son (Bilal Erdogan) to get rid of millions of dollars of incriminating cash, before an arrest warrant.<sup>50</sup> Charges are still pending in United States federal courts. “Prosecutors charged the bank in October with aiding a years-long scheme to help Iran evade U.S. economic sanctions and access \$20 billion in frozen oil revenue.”<sup>51</sup>

There were also prosecution attempts in Turkey, before the total collapse of judicial independence made it impossible. The bribes involved tens of millions of dollars. Among the arrestees were:

Suleyman Aslan, CEO of Halkbank,  
Reza Zarrab, Iranian tycoon,  
Ali Agaoglu, Turkish tycoon,  
Muammer Guler, minister of the interior,  
Baris Guler, his son,  
Zafer Caglayan, minister of economy,  
Kaan Caglayan, his son,  
Erdogan Bayraktar, minister of environment,  
Oguz Bayraktar, his son,  
Mustafa Demir, mayor of Fatih.<sup>52</sup>

Egeman Bagis, EU negotiator, was accused – but not arrested.<sup>53</sup> He was later forced to resign.

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<sup>49</sup> <https://www.nytimes.com/2013/12/26/world/europe/turkish-cabinet-members-resign.html>

<sup>50</sup> <https://www.theguardian.com/world/2014/feb/25/leaked-tapes-calls-erdogan-resign-turkish-pm>

<sup>51</sup> <https://www.bloomberg.com/news/articles/2020-01-21/u-s-seeks-millions-in-contempt-sanctions-against-halkbank>

<sup>52</sup> <https://www.sozcu.com.tr/2013/genel/buyuk-rusvet-ve-yolsuzluk-operasyonunda-gozaltina-alinanlarin-isimleri-425968/>

<sup>53</sup> <https://web.archive.org/web/20131220012430/http://t24.com.tr/haber/yolsuzluk-ve-rusvet-sorusturmasinda-egemen-bagis-goruntuleri-de-cikti/246398>

**2016, “Berat’s Box.”** Dissidents have released the private emails of Berat Albayrak, Erdogan’s son-in-law.<sup>54</sup> The emails document widespread corruption and illegal wealth accumulated via oil trade with ISIS.<sup>55</sup>

**2016, Money Laundering in Italy.** Erdogan’s son, Bilal Erdogan, was placed under an investigation by the Italian government for money laundering charges. According to allegations, as much as €1 billion might have been implicated.<sup>56</sup>

**2017, Tax Evasion in Malta.** An investigative journalist uncovered information about Binali Yildirim, former prime minister, who has been engaging in tax evasion in Malta: with various companies worth \$140 million total.<sup>57</sup> The journalist who published the information received a prison sentence for defamation.<sup>58</sup>

**2017, Corruption in Ankara Municipality.** Melih Gokcek, the highly unpopular former mayor of Ankara, has indulged in widespread corruption throughout his career. A total of 169 inquiries and investigations were opened against him throughout his tenure.<sup>59</sup> Interestingly, even Bulent Arinc (former deputy prime minister of Erdogan) accused him of widespread corruption. Gokcek is facing 600+ lawsuits.<sup>60</sup>

#### **2017, Isle of Man.**

Various leaked documents, available as an online documentary,<sup>61</sup> provide evidence that Erdogan’s family has been engaging in various kinds of corruption (tax evasion, money laundering, nepotism) and stashing money offshore in Isle of Man.<sup>62</sup> They created dummy corporations called Bumerz Inc. and Bellway Inc., which dispatched tens of millions of dollars to various members of Erdogan’s family despite having a nominal

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<sup>54</sup> <https://wikileaks.org/berats-box/>

<sup>55</sup> <https://news.sol.org.tr/wikileaks-releases-minister-albayraks-emails-berats-box-171113>

<sup>56</sup> <https://www.independent.co.uk/news/world/europe/bilal-erdogan-italy-investigates-turkish-presidents-son-over-money-laundering-allegedly-connected-to-a6879871.html>

<sup>57</sup> <https://ahvalnews.com/paradise-papers/paradise-lost-turkish-pms-family-kept-shipping-business-secret-malta>

<sup>58</sup> <https://www.theguardian.com/news/2019/jan/09/journalist-pelin-unker-sentenced-to-jail-in-turkey-over-paradise-papers-investigation>

<sup>59</sup> <https://ahvalnews.com/local-government/legacies-topbas-and-gokcek-destruction-corruption-and-anti-environmentalism>

<sup>60</sup> <http://www.hurriyetdailynews.com/ankara-architects-sue-gokcek-for-damage-to-ankara-121650>

<sup>61</sup> [https://www.youtube.com/watch?v=BhM6McIu\\_g0](https://www.youtube.com/watch?v=BhM6McIu_g0)

<sup>62</sup> <https://www.internationalinvestment.net/internationalinvestment/news/3505214/angry-erdogan-vows-settle-scores-opposition%E2%80%99-isle-offshore-claims>

capital of £2 and £1, respectively. Individuals implicated in this corruption scheme include:

Burak Erdogan, Tayyip Erdogan's son  
Ziya Ilgen, Tayyip Erdogan's brother-in-law  
Mustafa Erdogan, Tayyip Erdogan's brother  
Osman Ketenci, Burak Erdogan's father-in-law  
Sitki Ayan, Turkish tycoon  
Mubariz Mansimov, Azeri tycoon

**2019, Venezuela Ties.** According to public reports, Erdogan is engaging in corruption and illegal dealings with the socialist Maduro government in Venezuela, and so far helped him move \$900 million in gold.<sup>63</sup>

**2019, Corruption in Istanbul Municipality.** The Istanbul municipality, largest in the country, has been under Erdogan's government for so long that it devolved into a system of patronages for various Islamist organizations. When the new mayor of Istanbul (a member of the secular opposition) announced his intent investigate Istanbul's records, Erdogan engaged in obstruction of justice. According to a German report, the Istanbul municipality provided at least \$146 million to Erdogan's foundations.<sup>64,65</sup>

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<sup>63</sup> <https://panampost.com/sabrina-martin/2019/02/08/mysterious-turkish-company-helps-maduro-extract-gold-to-fund-his-corruption-networks/?cn-reloaded=1>

<sup>64</sup> <https://ahvalnews.com/turkish-corruption/wheel-fortune-keeps-turkeys-erdogan-power>

<sup>65</sup> <https://ahvalnews.com/istanbul-municipality/istanbuls-new-mayor-signals-oversight-funds-transferred-foundations>

## LIST OF DEFENDANTS

*Non-exhaustive*

1. Recep Tayyip Erdogan (former prime minister, current president)
2. Burak Erdogan (Erdogan's son)
3. Bilal Erdogan (Erdogan's son)
4. Mustafa Erdogan (Erdogan's brother)
5. Berat Albayrak (Erdogan's son-in-law)
6. Selcuk Bayraktar (Erdogan's son-in-law)
7. Ziya Ilgen (Erdogan's brother-in-law)
8. Binali Yildirim (former prime minister)
9. Abdulkadir Aksu (former minister of the interior, current MP)
10. Kursat Tuzmen (former minister of foreign trade)
11. Mehmet Muezzinoglu (former minister of labor)
12. Suleyman Aslan (Halkbank chief executive)
13. Reza Zarrab (Iranian tycoon)
14. Ali Agaoglu (Turkish tycoon)
15. Muammer Guler (former minister of the interior)
16. Baris Guler (Muammer Guler's son)
17. Zafer Caglayan (former minister of economy)
18. Kaan Caglayan (Zafer Caglayan's son)
19. Erdogan Bayraktar (former minister of environment)
20. Oguz Bayraktar (Erdogan Bayraktar's son)
21. Mustafa Demir (mayor of Fatih)
22. Egemen Bagis (former EU negotiator)
23. Melih Gokcek (former mayor of Ankara)
24. Ziya Ilgen
25. Osman Ketenci (Burak Erdogan's father-in-law)
26. Sitki Ayan (businessman)
27. Mubariz Mansimov (businessman)
28. Saban Disli (businessman)
29. Hayri Kucukyavuz (MUSIAD ambassador to Venezuela)



Foreign &  
Commonwealth  
Office

**MPD Sanctions**  
**Foreign and Commonwealth Office**  
King Charles Street  
London  
SW1A 2AH

[www.gov.uk/fco](http://www.gov.uk/fco)

August 2020

Our reference: TO2020/15251

Kursat Pekgoz

By email: [pekgoz@usc.edu](mailto:pekgoz@usc.edu)

Dear Kursat Pekgoz,

Thank you for your email of 19th July to the Foreign Secretary about the Global Human Rights ('Magnitsky-style') sanctions regime.

First, thank you for the information you have supplied. We will continue to consider designations under this sanctions regime in order to deter and provide accountability for serious human rights violations or abuses around the world. However, it is not appropriate to speculate on who may be designated under this sanctions regime in the future because to do so could reduce the impact of the designations.

Second, we are considering how a corruption regime could be added to the armoury of legal weapons we have.

Third, we have long encouraged Turkey to work towards the full protection of fundamental rights, particularly in the area of freedom of expression. We will continue to engage the Turkish government on these issues and to urge respect for freedom of media, including social media, which is essential to the long-term health of Turkish democracy.

The British Embassy in Ankara has provided project support to a number of Turkish civil society organisations working in the area of fundamental freedoms. Currently in the financial year 2020/21 we are funding a range of projects covering issues from LGBTI rights, freedom of expression, minority rights, women's rights, workers' rights, promoting democratic values, transparency and conflict resolution.

In addition, British diplomats engage in regular dialogue with civil society and regularly attend high-profile trials, including those of journalists and human rights defenders, together with other EU Member States and other like-minded missions.

Fourth, we can assure you that we regularly discuss with the Turkish Government the need to respect human rights, avoid civilian casualties, and return to the peace process to resolve the Kurdish issue in Turkey.

Finally, regarding Turkish activity in Syria, we made clear our opposition to Turkey's military intervention in north-east Syria last October. We frequently raise our concern with the Turkish Government over reports of human rights violations by Turkish-backed forces in Syria. We encourage

all parties to the conflict in Syria to adhere to International Humanitarian Law. We welcome the fact that the ceasefires in both north-west and north-east Syria continue to hold broadly. We urge all parties to maintain adherence.

Yours sincerely,

**MPD Sanctions  
Foreign and Commonwealth Office**



Kursat Pekgoz <pekgoz@usc.edu>

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## Human Rights Concerns: United States Department of Education

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Kursat Pekgoz <pekgoz@usc.edu>

Sat, Dec 7, 2019 at 4:15 AM

To [REDACTED]

Cc: pace.com@coe.int, echrpress@echr.coe.int, [REDACTED]  
[REDACTED]

Dear Representatives of the Council of Europe,

I am reaching out to you regarding concerns that I have about Kenneth Marcus, chief executive adjudicator at the United States Department of Education, Office for Civil Rights. This individual is acting in a manner which violates the precepts of the Supreme Court of the United States and the European Court of Justice. His actions may also interfere with the actions of the International Criminal Court.

As the living conscience of Europe, the Council has a right to this information. I would appreciate it if you can forward this letter to the relevant authorities.

Kind regards,  
Kursat Christoff Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California



**Letter to the Council of Europe.pdf**

1863K

**6 December 2019**  
**Campus Censorship & Partisanship Report**

Dear Representatives of the Council of Europe,

There is a little-known but powerful federal agency in the United States: the Department of Education's Office for Civil Rights [OCR]. OCR has immense power, since it can deprive academic institutions of federal funding.<sup>1</sup> A single individual has currently concentrated all executive appellate authority within OCR.<sup>2</sup> His name is Kenneth Marcus. Marcus is an extreme nationalist who is pursuing a narrow agenda, inimical to civil liberties and free speech and universal principles of fairness.

1. Kenneth Marcus is attempting to manipulate Title VI to silence all criticism of Israel by encouraging and investigating frivolous allegations of "hostile environment."<sup>3,4</sup> According to his bizarre logic, even accusing Israel of human rights infractions can be construed as racism.<sup>5</sup> This is against Supreme Court doctrine<sup>6</sup> and threatens free speech. Moreover, these attempts may violate and/or impede supranational jurisprudence, since there are charges pending against Israeli actors with the International Criminal Court.<sup>7</sup>
2. Kenneth Marcus is employing double standards. When a Jewish professor (Christine Fair) made ugly and violent statements ("*kill and castrate all white*

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<sup>1</sup> <https://www2.ed.gov/about/offices/list/ocr/index.html>

<sup>2</sup> I have verified this matter through conversations with multiple federal bureaucrats, working for different regional bureaus within the Office for Civil Rights. Three civil rights attorneys (Coleen Chin, Judith O'Boyle, Michael O'Donnell) have independently confirmed that all resolution letters (formal decisions) are signed and authored by Kenneth Marcus, current chief executive at the civil rights agency.

<sup>3</sup> <https://www.thefire.org/ocrs-use-of-overly-broad-anti-semitism-definition-threatens-student-and-faculty-speech/>

<sup>4</sup> <https://forward.com/opinion/435453/how-trumps-education-department-is-weaponizing-anti-semitism-and/>

<sup>5</sup> Please refer to Exhibit 01.

<sup>6</sup> <https://firstamendmentwatch.org/slants-case-supreme-court-affirms-no-hate-speech-exception/>

<sup>7</sup> <https://www.icc-cpi.int/palestine>

*men, and feed their corpses to pigs*") amounting to some degree of genocidal intent against Caucasians, Marcus has refused to press charges of "hostile environment" against the professor.<sup>8</sup> This is alarming and disturbing.

3. Kenneth Marcus seeks to use Title VI to outlaw boycott efforts against Israel. These efforts violate the precepts of both the Supreme Court<sup>9</sup> and the European Court of Justice.<sup>10</sup>
4. Kenneth Marcus is launching investigations against elite academic institutions in America, on the basis that they discriminate against Jewish applicants in college admission.<sup>11</sup> This is incorrect, and the exact opposite is true: Jewish individuals are disproportionately represented in American academia, according to Jewish author Ron Unz.<sup>12,13</sup>
5. Marcus is expanding the federal bureaucracy to investigate frivolous allegations of "religious discrimination." This move is opposed by American Enterprise Institute, an influential think tank.<sup>14</sup> None of the laws that OCR enforces address religious discrimination.<sup>15</sup>

Robust and reasonable opposition to Antisemitism is an important aspect of human rights jurisprudence. Likewise, Jewish chauvinism is not a negligible phenomenon, as reasonable Zionists often acknowledge.<sup>16</sup> Marcus has no interest in any human rights cause and is only preoccupied with his narrow agenda. He

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<sup>8</sup> <https://pjmedia.com/trending/title-ix-complaint-filed-against-prof-who-called-for-miserable-deaths-of-white-senators/>

<sup>9</sup> <https://www.mtsu.edu/first-amendment/article/987/boycotts>

<sup>10</sup> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf>

<sup>11</sup> Please refer to Exhibit 02.

<sup>12</sup> <https://www.theamericanconservative.com/articles/the-myth-of-american-meritocracy/>

<sup>13</sup> Please refer to Exhibit 03.

<sup>14</sup> <https://www.aei.org/op-eds/us-department-of-education-wants-some-major-changes-to-civil-rights-data-collection-theyd-be-a-huge-mistake/>

<sup>15</sup> <https://www2.ed.gov/about/offices/list/ocr/religion.html>

<sup>16</sup> <https://www.timesofisrael.com/embracing-racism-rabbis-at-pre-army-yeshiva-laud-hitler-urge-enslaving-arabs/>

has faced opposition from Jewish progressives,<sup>17</sup> LGBT rights groups,<sup>18</sup> and bipartisan coalitions.<sup>19,20</sup>

As such, I consider it my civic duty to notify the Council of Europe. I myself have engaged in civil rights advocacy before, both to uphold the rights of religious minorities in Turkey and to achieve gender balance on American college campuses. I have also opposed Antisemitism here in the United States, on some occasions.<sup>21</sup> My civil rights advocacy is consistent with the precepts of the European Court of Human Rights.<sup>22,23,24</sup>

Yours truly,  
Kursat Christoff Pekgoz  
Bachelor of Science (Bilkent University)  
Master of Arts (Bosphorus University)  
Doctor of Philosophy, *en route* (University of Southern California)

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<sup>17</sup> <https://jewishvoiceforpeace.org/over-100-faculty-oppose-nomination-of-kenneth-marcus-to-head-office-for-civil-rights/>

<sup>18</sup> <https://www.eqca.org/stopkennethmarcus/>

<sup>19</sup> <https://ccrjustice.org/letter-civil-rights-groups-demand-doe-assistant-secretary-marcus-end-attacks-free-speech>

<sup>20</sup> <https://www.dukechronicle.com/article/2019/10/duke-university-concerned-faculty-academic-freedom-middle-east>

<sup>21</sup> Please refer to Exhibit 04.

<sup>22</sup> <http://hudoc.echr.coe.int/eng?i=001-100383>

<sup>23</sup> <http://hudoc.echr.coe.int/eng?i=001-162697>

<sup>24</sup> <http://hudoc.echr.coe.int/eng?i=001-109868>



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 27, 2018

Susan B. Tuchman, Esq.  
Zionist Organization of America  
4 East 34<sup>th</sup> Street  
New York, New York 10016

**Rutgers University - OCR Case No. 02-11-2157**

Dear Ms. Tuchman,

This letter responds to your appeal, dated September 29, 2014, of the US Department of Education, Office for Civil Rights' (OCR) July 31, 2014 determination regarding the above-referenced complaint you filed against Rutgers University (the University).

In your complaint, you alleged that the University discriminated on the basis of national origin (Jewish ancestry/ethnicity), in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), by failing to respond appropriately to a complaint filed on April 6, 2011, alleging that students were subjected to harassment and different treatment because of their national origin. Specifically, you alleged that you complained to the University that Jewish students were harassed and treated differently in the following manner: the Outreach Coordinator for the University's Center for Middle East Studies harassed a Jewish student (the Student) by (a) physically threatening him in November 2009, and (b) posting anti-Semitic comments about him on Facebook on December 9, 2010 (Allegation 1); other students harassed the Student by posting threatening comments about him on Facebook on or about January 31, 2011 (Allegation 2); and a student group called "Belief Awareness Knowledge and Action" (BAKA) treated Jewish students differently by charging an admission fee for an event only to Jewish and pro-Israel students on or about January 29, 2011 (Allegation 3).

As stated in OCR's July 31, 2014 letter of findings (LOF), OCR investigated your complaint, determined that there was insufficient evidence of discrimination on the basis of national origin with respect to all three allegations, and closed your case. You then timely appealed this determination on September 29, 2014. Familiarity with this record is assumed.

In your appeal, you make several arguments, which have been carefully reviewed and considered. For the reasons stated below, I have decided to vacate the LOF's analysis insofar as it suggests that there was not any evidence to corroborate that Jewish students were treated differently by being charged an admission fee for an event on or around January 29, 2011, and concludes that there was insufficient evidence to substantiate your allegation that the University failed to respond appropriately to student complaints regarding such allegedly discriminatory imposition of the admission fee at the event.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

With respect to Allegation 3, for example, there is no dispute that at some point just before the January 29 event, a decision was made to impose a \$5 admission fee. The LOF states, at page 9, that OCR “found no evidence that BAKA students had any involvement in the decision to impose the fee, or treated any individuals differently based on national origin with respect to collecting the fee.” In a footnote to this sentence, the LOF refers to an email purportedly written by a BAKA student volunteer stating that the volunteer was instructed to waive the fee for those who appeared supportive of the event, but indicates that OCR did not credit the veracity of the email due to its having been redacted for confidentiality reasons, and therefore accorded it no evidentiary value. The record shows that a student witness who received the email also described the context of the email to OCR in an interview, and that the email states that an event organizer had stated that the admission fee needed to be imposed because “150 Zionists just showed up,” although “if someone looks like a supporter, they can get in for free.”

Title VI prohibits discrimination on the basis of race, color, or national origin; it does not address discrimination on the basis of political opinions. An individual’s pro-Israel viewpoint itself – or, for that matter, any viewpoint on the policies of the state of Israel, the Israeli-Palestinian conflict, or related issues – is not protected by Title VI.<sup>1</sup> However, as OCR has repeatedly indicated previously, discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics – which may include discrimination against Jewish or Muslim students – is discrimination on the basis of national origin or race in violation of Title VI.<sup>2</sup> In determining whether students face discrimination on the basis of actual or perceived Jewish ancestry, we rely where appropriate upon widely established definitions of anti-Semitism. The International Holocaust Remembrance Alliance (IHRA) working definition is widely used by governmental agencies, including the U.S. Department of State, and is used by OCR as well. It provides as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective—such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

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<sup>1</sup> The extent to which the expression of such opinions is otherwise protected by the First Amendment or other principles of law is beyond the scope of this letter. While OCR does not enforce the First Amendment, OCR has made clear that it will interpret the laws and regulations it does enforce, including those that prohibit discriminatory harassment, consistent with the First Amendment. See Dear Colleague Letter dated July 28, 2003, available at <https://www2.ed.gov/print/about/offices/list/ocr/firstamend.html>. It is not necessary to delve into the complexities of such issues on the present facts, however; suffice it to say for now that OCR’s enforcement activity will not prohibit what the First Amendment allows or what Title VI does not proscribe.

<sup>2</sup> See Dear Colleague Letters dated October 26, 2010 (“Harassment and Bullying”), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> & September 13, 2004 (“Title VI and Title IX religious Discrimination in Schools and Colleges”) available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (The Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

The European Monitoring Centre on Racism and Xenophobia's (EUMC's) working definition of anti-Semitism is substantially similar to this definition and the definitions used by the U. S. Department of State.

While weighing the credibility of evidentiary sources is important, altogether disregarding the information reflected in the above-referenced email and accompanying witness information was erroneous. Whether or not BAKA or another group that was involved in the operation of the event decided to initiate the fee,<sup>3</sup> the email and accompanying witness information provide at least some evidence that such decision was motivated by the sudden appearance of "150 Zionists." It is not known how the event organizers defined the term "Zionist," but the characterization of a large number of people as such – "150 Zionists" – who "just showed up" could have been based at least partially on a visual assessment, as opposed to individually polling all 150 such unexpected arrivals as to their views on the policies of the state of Israel. In other words, the visual perception of the presence of "150 Zionists" referenced in the email could have been rooted in a perception of Jewish ancestry or ethnic characteristics common to the group. In cases such as this, it is important to determine whether terms such as "Zionist" are actually code for "Jewish."

Further, even if motivated solely by a desire to stack the audience with those who supported the event planners' political opinions (or, conversely, to filter out those who disagreed with those opinions), the email states by its very terms that appearance was the means used to determine whether a *waiver* of the fee necessitated by the presence of a large group of "Zionists" (however conceived) was appropriate. In addition, it is important to determine whether the conduct related to Israel is motivated by anti-Semitism. There is no indication that the Regional Office undertook such an analysis. The reports of some students not granted a fee waiver that their appearance reflected Jewish identity (e.g., by wearing a kippah) invites an inference that such Jewish-identifying appearance was used as a signal of the lack of ideological support.<sup>4</sup> In short, there was at least some evidence that event organizers treated some students differently by charging the admission fee based on their appearance of Jewish ancestry/ethnic characteristics. Thus, the LOF's suggestion that there was not any evidence to corroborate that premise was inaccurate, and vacating that analytical finding is necessary.

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<sup>3</sup> For purposes of the hostile environment analysis here, it is immaterial whether the alleged harassing activity – the imposition of the fee – was conducted by a group of student peers or a third party outside group, either of which would have been arguably accountable to the University in the context of these facts.

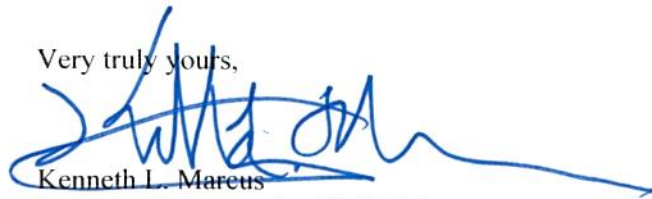
<sup>4</sup> Some Jewish students also claimed that they attempted to join BAKA at the event in order to qualify for a fee waiver, but were unsuccessful.

OCR's error in disregarding the email and related information echoed the University's failure to consider the same information when students attempted to bring it to the University's attention. The LOF states, at p. 10, that the University informed OCR that the students who complained "did not provide specific information to support that they were not permitted to enter the event because they were Jewish." However, the student who received the email told OCR that the University did not allow him and his fellow students to bring the BAKA student volunteer who sent the email to a meeting with University staff to discuss their complaints regarding the imposition of the fee at the event. The student also reported that he and his fellow students were not able to discuss the email or otherwise present their position at the meeting. Assuming *arguendo* that Jewish students were indeed treated differently at the event and that the University had notice of the same, the University would be obligated to take appropriate responsive action, including action to eliminate any hostile environment against Jewish students that exists. Given the relevance of the email to the question of different treatment as discussed above, the failure to consider such information when presented, if proven, would fall short of an appropriate response to student complaints of harassment made to the University regarding the event. Thus, it is likewise appropriate to vacate the conclusion in the LOF that there was insufficient evidence to substantiate that the University failed to respond appropriately to individual complaints regarding the January 29 event.

The decision to vacate the analytical conclusions described above does not mean that the facts as presented in the record establish a violation. At this point in time, it is unknown whether or not OCR's investigation, absent the errors identified above, would have revealed sufficient (i.e. preponderating) evidence that the imposition of the admission fee at the January 29 event was discriminatory on the basis of national origin and that the University's response to the same resulted in a hostile environment in violation of Title VI. Thus, in light of my decision on this appeal, OCR New York will re-open this case to reassess the evidence obtained during the investigation of the case in light of the definition of anti-Semitism and examples cited above to determine whether a hostile environment on the basis of national origin or race existed at the University for students of actual or perceived Jewish ancestry or ethnic characteristics. In addition, the investigation will also determine whether a hostile environment on the basis of national origin or race currently exists at the University for students of actual or perceived Jewish ancestry or ethnic characteristics.

This concludes OCR's consideration of your appeal. Staff from OCR New York will contact you if any additional information is needed. You may have the right to file a private suit in federal court, regardless of OCR's determination.

Very truly yours,



Kenneth L. Marcus

Assistant Secretary for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

REGION IX  
CALIFORNIA

August 14, 2018

Marc Tessier-Lavigne  
President  
Stanford University  
Office of the President  
Building 10  
Stanford, California 94305-2061

(In reply, please refer to case no. 09-18-2270.)

Dear President Tessier-Lavigne:

On (b)(6);  
(b)(7)(C) 2018, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Stanford University (University) from (b)(6); (b)(7)(C) (Student) alleging discrimination on the basis of race and sex. On June 28, 2018, OCR issued a notification letter informing the University that OCR had opened an investigation into whether the Student was denied admission to the University but a student with lesser standardized test scores, GPA, and extracurricular activities, who is a different race and sex, was admitted.

The Student is also alleging that he was subjected to different treatment on the basis of his Jewish ancestry or ethnicity when he was denied admission to the University. OCR has determined that this allegation is appropriate for investigation, and will be investigating the allegation under the same docket number.

OCR enforces Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities operated by recipients of Federal financial assistance. OCR also enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin in programs and activities operated by recipients of Federal financial assistance. Discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics is discrimination on the basis of national origin or race pursuant to Title VI. The University receives funds from the Department and is subject to the above laws and their regulations as enforced by OCR.

If you have any questions about this letter, please contact Dana Isaac Quinn, Attorney, at [dana.isaacquinn@ed.gov](mailto:dana.isaacquinn@ed.gov) or 415-486-5596.

Sincerely,

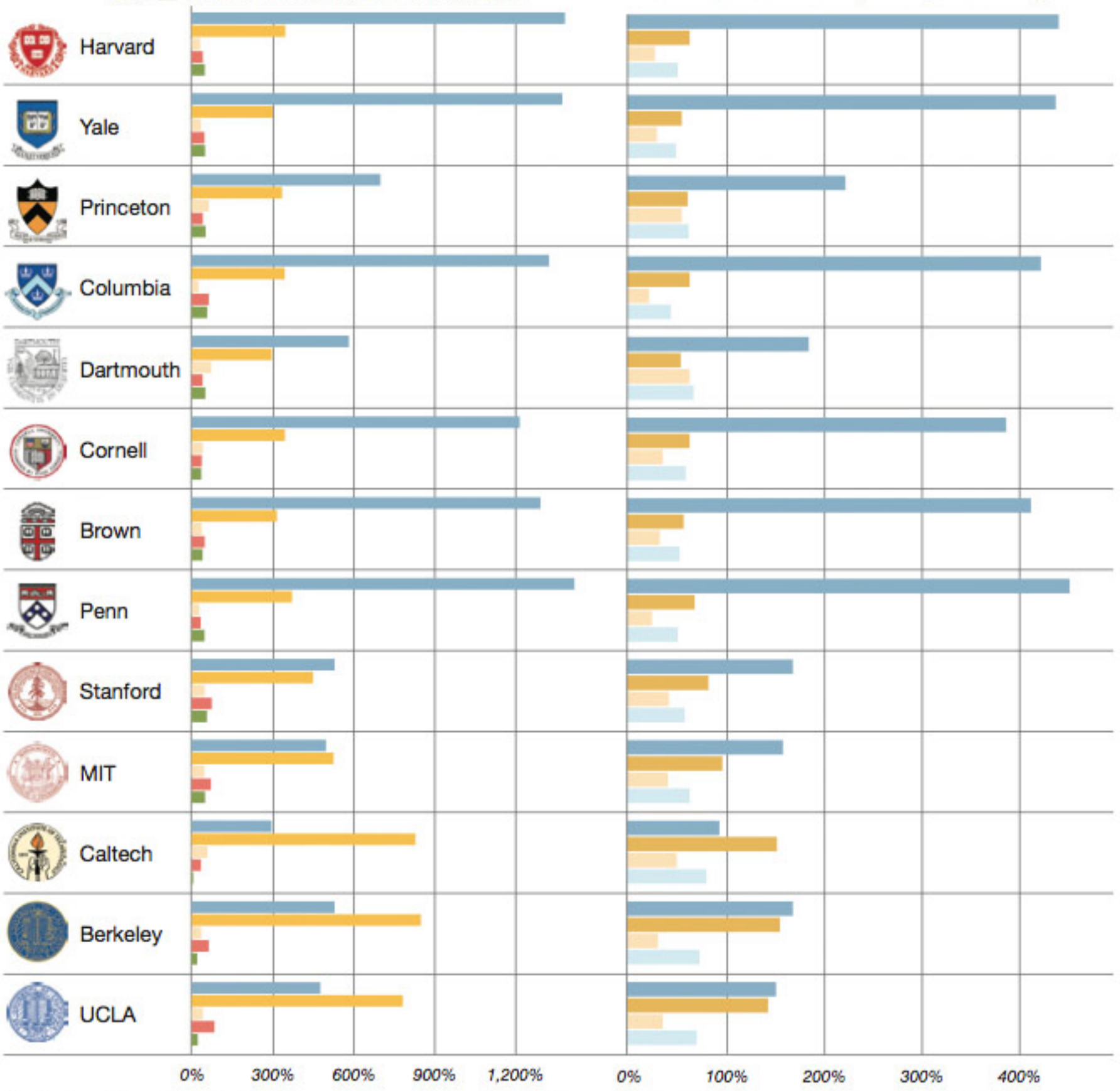
(b)(6); (b)(7)(C)

FOR Sara Berman  
Team Leader

cc: Debra Zumwalt, Vice President and General Counsel

**Elite University Enrollment Ratios 2007–11**  
*Relative to Total Age 18–21 Population*

**Elite University Enrollment Ratios 2007–2011**  
*Relative to High Ability Students Age 18–21*



Note that the ethnic enrollment ratios for Berkeley and UCLA are based on the national demographics, but their students are primarily drawn from within California, whose racial distribution is very different: the white student population is half the national average, while Asians and Hispanics are more numerous by a factor of two, implying different parity ratios. The underlying data for these charts is drawn from Appendix H.



Kursat Pekgoz <pekgoz@usc.edu>

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## letter of concern re: "Holocaust without Jews"

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Kursat Pekgoz <pekgoz@usc.edu>

Wed, Feb 1, 2017 at 10:27 AM

To: louchheim@huc.edu

Cc: losangeles@huc.edu, gruner@usc.edu, sdsmith@usc.edu, fonrober@stanford.edu, zbaker@stanford.edu, cjs@humnet.ucla.edu, jewishstudies@berkeley.edu, boyarin@berkeley.edu, Victoria KAHN <vkahn@berkeley.edu>, mbsas@berkeley.edu

Dear USC Shoah Foundation,

I am writing this e-mail to inquire whether the USC Shoah Foundation (perhaps as co-signatory with several other major Californian institutions) would be interested in issuing a letter of concern and/or petition about the recent White House statement on Holocaust Remembrance Day, Jan 27. The statement in question has omitted mention of Antisemitism and the Jewish victims of the tragedy ([STATEMENT](#)). The controversy must be familiar to many of us but for those who are not up to date with recent developments, I am attaching a Vox article which summarises some major concerns.

While it is true that multiple racial, sexual, and ideological classes of "Untermenschen" were targeted and persecuted during the Shoah, my understanding is that many people suspect an evasive and potentially apologetic rhetoric behind the statement. Even if no such intent exists, there would be no harm to public interest in raising potential concerns. Among supporters of this new "alternative interpretation" of the Holocaust are white supremacists like Richard Spencer (article attached). In addition, those who are familiar with the history of Western metaphysics can easily testify that Antisemitism has served as a useful matrix for all other forms of intolerance. Erasing the "specifically Jewish" history of the Holocaust neither does justice to non-Jewish victims nor help foster an environment of universal tolerance, in my opinion.

Anybody is welcome to send me an e-mail or give me a call today (10:45 am - 12:00 am & 3:00 pm - 9:00 pm). 323-363-0880. I am an international student who is sensitive to questions of xenophobia and genocide denial.

Best,  
Kursat C. Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California

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### 2 attachments



**The controversy over the White House Holocaust statement, explained - Vox.pdf**

146K



**White supremacist Richard Spencer agrees with Trump administration's decision to omit Jews from Holocaust statement - Salon.pdf**

187K



Kursat Pekgoz &lt;pekgoz@usc.edu&gt;

**Lieber's Indictment & Sanctuary Request [COVID-19]**

2 messages

Kursat Pekgoz &lt;pekgoz@usc.edu&gt;

Thu, Jun 11, 2020 at 8:29 AM

To: OTP InformationDesk &lt;OTP.InformationDesk@icc-cpi.int&gt;

Cc: "echrpress@echr.coe.int" &lt;echrpress@echr.coe.int&gt;, "info@ecchr.eu" &lt;info@ecchr.eu&gt;, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] info@epp.eu

Bcc: Kursat Pekgoz &lt;whirlflux@gmail.com&gt;

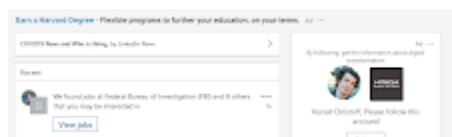
Dear All,

A grand jury [has indicted Charles Lieber this morning](#). I requested his extradition to the Hague as early as 26 May, since he is the prime suspect behind the engineering of COVID-19. I believe COVID-19 is a premature bioweapon that escaped from the Wuhan lab, based on the totality of the evidence. I have been corresponding with scientists who have confirmed my suspicions and I will submit a final amended ICC complaint by July 1. For now, find attached two scientific articles that endorse similar theories. [Luc Montagnier \(who won the Nobel prize\) and Charles Dearlove \(former MI6 chief\)](#) also endorse similar theories. I have also communicated with a former NATO executive (K. J.) and a neurobiology professor from Columbia University (S. P.), who believe the ICC complaint has merit. Also, various world leaders (including the President of Brazil) have read my complaints already -- and responded as they deem proper.








In former communications, I have complained about a person who is surveilling my computer illegally. This morning, [an individual called Aviram Azari](#) has been indicted for hacking and espionage at New York. I suspect that "Mikey248" is an associate or accomplice of his. Michael Pompeo has made vexatious threats against the International Criminal Court before -- including threats of deportation and litigation. I have lost my Ph.D. already. While my asylum request has been approved long ago, that was before my involvement with ICC. Also, I received some kind of FBI referral (employment offer) this morning, via LinkedIn. This is highly improper at this time. I do not feel safe. If there are any member states of the European Union who are willing to offer me sanctuary in their embassy for several months, I would greatly appreciate this hospitality. My family has a real estate company in Turkey and I can pay lodging expenses in the future. I have been working *pro bono* to help people for years, even though I could have focused on lucrative professional work (such as biomedical translation, i.e. \$700-1200 per day).

Under these circumstances, I would appreciate temporary sanctuary. I can provide character statements and answer questions. Please help.

Kind regards,  
Kursat Christoff Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California

**9 attachments****FBI Offer.png**  
34K**European Consensus Against Annexation & Surveillance.pdf**

121K

-  **26 May Complaint (Human Endangerment, COVID-19).pdf**  
1901K
-  **International Criminal Court Acknowledges Receipt of Complaint.pdf**  
222K
-  **Latham et al.pdf**  
174K
-  **Sorensen et al.pdf**  
1203K
-  **Resposta da Presidência da República.pdf**  
86K
-  **Asylum Approval.pdf**  
1409K
-  **Lionbridge Translation, Invoice.pdf**  
92K

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**Kursat Pekgoz** <pekgoz@usc.edu>

Thu, Jun 18, 2020 at 2:31 PM

To: OTP InformationDesk <OTP.InformationDesk@icc-cpi.int>

Cc: "echrpress@echr.coe.int" <echrpress@echr.coe.int>, "info@ecchr.eu" <info@ecchr.eu>, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].com>,

"mailbox.tribunal@hq.nato.int" <mailbox.tribunal@hq.nato.int>, info@epp.eu

Honorable Dignitaries,

I would like to thank the Council of Europe for publishing *Baldassi v. France* (2020).

Please note that I submitted a Global Magnitsky Sanctions proposal against Turkey's current government in a timely manner. I submitted this proposal through an intermediary (P.T.) who is a Congressional employee, and my understanding is that P.T. was also advising the White House at that time. However, the proposal has been denied.

This is all the more exasperating when compared to the recent sanctions against the International Criminal Court.

Kind regards,  
Kursat Christoff Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California

[Quoted text hidden]

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[Quoted text hidden]

- 
-  **Global Magnitsky Sanctions Proposal.pdf**  
243K

**To: The Office for Civil Rights  
Boston Regional Office  
Date: 7 March 2020  
Title VI Complaint  
Respondent: Brandeis University**

## **SYNOPSIS**

This complaint alleges that Brandeis University violates Title VI by offering various unconstitutional preferences to people of Jewish descent. Such discrimination harms all gentiles, but especially people of European descent.

1. Brandeis University violates Title VI by offering preferential admission to students of Jewish origin.
2. Brandeis University violates Title VI by offering a Holocaust Studies Department, to study past persecution of Jews by Europeans, but nothing equivalent to study the past persecution of Europeans by Jews.
3. Brandeis University violates Title VI by offering various centres and programs which focus on Jewish scholarship only, with nothing equivalent for other ethnic groups.
4. Brandeis University violates Title VI by offering scholarships to Jewish individuals only.

## LEGAL THEORY

The International Court of Justice has condemned Israel, ordering Jewish nationalists to pay damages to their victims.<sup>1</sup> The European Court of Justice has declared that it is legal to boycott Israel, compelling all Israeli settlements to mark their products.<sup>2</sup> The International Criminal Court has declared that there is reasonable basis to accuse Israel of crimes against humanity.<sup>3</sup>

Discrimination against people of European descent is illegal, according to both United States Supreme Court doctrine<sup>4</sup> and the conventions of the European Court of Human Rights.<sup>5</sup> While Arabs (including Palestinians) are classified as White under American law,<sup>6</sup> this complaint focuses on the grievances of Europeans in the narrower sense.

## PREFERENTIAL ADMISSIONS

According to Jewish author Ron Unz, admission policies in American colleges favour Jews -- at the expense of Europeans and East Asians.<sup>7</sup> Some apologists justify this nepotism by claiming that Jews have higher-than-average IQ. However, IQ tests are generally suspect.<sup>8</sup> Moreover, since Jews are a religion but not a race,<sup>9</sup> claims of Jewish racial superiority are absurd and irrational. Eugenic claims about “Jewish genius” are widely ridiculed.<sup>10</sup>

Jews are only 2% of the American population, and yet they enjoy nepotistic and asymmetrical representation in elite American colleges (~20-25%). For example, Jews constitute 19% of undergraduate students in Cornell<sup>11</sup> and 20% of graduate students in Yale.<sup>12</sup> Jews constitute 55% of graduate students in Harvard.<sup>13</sup> Jews are 34% of the student population in Brandeis University.<sup>14</sup> Jews are also overrepresented among college professors.<sup>15</sup>

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<sup>1</sup><https://news.un.org/en/story/2004/07/108912-international-court-justice-finds-israeli-barrier-palestinian-territory-illegal>

<sup>2</sup><https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf>

<sup>3</sup><https://www.icc-cpi.int/Pages/item.aspx?name=20191220-otp-statement-palestine>

<sup>4</sup><http://hudoc.echr.coe.int/eng?i=001-114240>

<sup>5</sup><https://supreme.justia.com/cases/federal/us/557/557/>

<sup>6</sup><https://www.middleeasteye.net/news/us-census-fails-add-mena-category-arabs-remain-white-count>

<sup>7</sup><https://www.theamericanconservative.com/articles/the-myth-of-american-meritocracy/>

<sup>8</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4557354/>

<sup>9</sup> This is common sense, since it is possible to become Jewish via conversion. Jews are comprised of radically different ethnic groups: Mizrahim (Arabs), Ashkenazim (mixed/indeterminate), Sephardim (Latino), Beta Israel (Ethiopian).

<sup>10</sup><https://www.theguardian.com/media/2019/dec/28/bret-stephens-new-york-times-jewish-intelligence-eugenics>

<sup>11</sup><https://www.hillel.org/college-guide/list/record/cornell-university>

<sup>12</sup><https://www.hillel.org/college-guide/list/record/yale-university>

<sup>13</sup><https://www.hillel.org/college-guide/list/record/harvard-university>

<sup>14</sup><https://www.hillel.org/college-guide/list/record/brandeis-university>

<sup>15</sup><https://www.aei.org/carpe-diem/ucla-law-professor-stephen-bainbridges-diversity-statement/>

## HOLOCAUST STUDIES

Brandeis University has a department devoted to the study of the Holocaust. Holocaust reparations create enormous benefit for Israel, i.e. money and diplomatic support. The United States alone has provided \$100+ billion to Israel in terms of financial aid,<sup>16</sup> but this amount does not include the trillions spent for Middle Eastern wars which benefit Israel, such as the invasion of Iraq. Jewish advocacy groups are now agitating for European-Americans to pay trillions of dollars to African-Americans as slavery reparations,<sup>17</sup> while feigning ignorance about Jewish atrocities against European-Americans and substantial Jewish complicity in slavery.<sup>18,19</sup>

Brandeis University does not offer any departments or programs devoted to the study of Jews who have persecuted Europeans and Christians. Examples include:

- Jewish persecution of Europeans during Soviet Russia, which caused 20+ million civilian deaths.<sup>20</sup> This is a greater number than Jewish civilians who were killed during World War II and as such, is worth no less attention than the Holocaust. Aleksandr Solzhenitsyn, internationally acclaimed author, wrote about Jewish complicity in the Bolshevik persecution: two-thirds of the Soviet secret police (Cheka) consisted of Jewish commissars.<sup>21</sup> So did Winston Churchill, iconic British statesman, who pointed out that all Bolsheviks in positions of power were Jewish.<sup>22</sup> Naftaly Frenkel, the man who designed the Soviet death camps, was Jewish.<sup>23</sup> Jewish publications acknowledge but understate this complicity: “Jews did occupy very prominent positions throughout the Bolshevik and communist chains of command, vastly disproportionate to their percentage of the general population.”<sup>24</sup>
- Jewish support for the Armenian Genocide<sup>25</sup> and Jewish attempts to suppress international recognition of the tragedy.<sup>26</sup>

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<sup>16</sup><https://www.haaretz.com/.premium-u-s-military-aid-to-israel-exceeds-100-billion-1.5259793>

<sup>17</sup><https://www.jweekly.com/2019/12/13/reform-jewish-movement-votes-to-support-reparations-for-african-americans/>

<sup>18</sup><https://forward.com/opinion/179441/jews-mostly-supported-slavery-or-kept-silent-d/>

<sup>19</sup><https://www.theatlantic.com/magazine/archive/1995/09/slavery-and-the-jews/376462/>

<sup>20</sup><https://www.wsj.com/articles/100-years-of-communism-and-100-million-dead-1510011810>

<sup>21</sup><https://www.theguardian.com/world/2003/jan/25/russia.books>

<sup>22</sup> He singled out Vladimir Lenin as the exception, but modern research reveals that Lenin was also Jewish. [https://en.wikisource.org/wiki/Zionism\\_versus\\_Bolshevism](https://en.wikisource.org/wiki/Zionism_versus_Bolshevism)

<sup>23</sup>[https://en.wikipedia.org/wiki/Naftaly\\_Frenkel](https://en.wikipedia.org/wiki/Naftaly_Frenkel)

<sup>24</sup><https://www.jta.org/2017/11/06/global/what-was-the-jewish-role-in-1917-russian-revolution-moscow-museum-gives-a-full-picture>

<sup>25</sup><https://www.timesofisrael.com/before-the-holocaust-ottoman-jews-supported-the-armenian-genocides-architect/>

<sup>26</sup><https://www.foreignpolicyjournal.com/2019/06/25/hypocritical-jewish-organizations-and-the-armenian-genocide/>

- European-Americans who lost their lives during the Iraq War, an invasion that would not have happened if not for a small clique of Jewish fascists.<sup>27</sup>
- Judeo-Persians persecuting Christians during the Sassanid Wars, which involved Jews buying Christian slaves in order to torture and murder them.<sup>28</sup> The historical account of Antiochus Strategos is supported by modern archaeological evidence.<sup>29</sup>
- Israeli troops purposefully attacking and sinking USS Liberty, an American battleship.<sup>30</sup>
- Israeli soldiers killing Rachel Corrie, an American woman, by crushing her under a bulldozer.<sup>31</sup>
- Orthodox Jews burning alive monks (and destroying churches) in modern Israel.<sup>32</sup>

There are many clear examples of Jewish nationalists committing hate speech.

- Jewish professor Christine Fair making genocidal statements against Europeans: “kill and castrate all white males and feed their corpses to pigs.” There was national and international criticism.<sup>33,34,35</sup>
- Jewish comedian “Deep Fried Man” singing a song to mock ethnic cleansing against Europeans who live in South Africa,<sup>36</sup>
- Orthodox Jews who praise the burning of Notre Dame, one of the most beautiful monuments of Europe,<sup>37</sup>
- Orthodox Jews who claim that *goyim* [non-Jews] are their slaves.<sup>38</sup>

Brandeis University must now create an academic program to address historical wrongs committed by people of Jewish descent, against people of European descent. This program must receive funding and promotion equal to the Holocaust Studies Department. The program must demand reparations from Jewish groups, in order to improve the living conditions of modern Christians and Europeans.

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<sup>27</sup> <https://www.haaretz.com/1.4764706>

<sup>28</sup> [http://www.tertullian.org/fathers/antiochus\\_strategos\\_capture.htm](http://www.tertullian.org/fathers/antiochus_strategos_capture.htm)

<sup>29</sup> [http://www.antiquities.org.il/article\\_eng.aspx?sec\\_id=17&sub\\_subj\\_id=179](http://www.antiquities.org.il/article_eng.aspx?sec_id=17&sub_subj_id=179)

<sup>30</sup> <https://www.haaretz.com/us-news/but-sir-its-an-american-ship-never-mind-hit-her-1.5492908>

<sup>31</sup> <https://rachelcorriefoundation.org/>

<sup>32</sup> <https://www.nationalgeographic.com/news/2015/12/151224-israel-jewish-terrorism-arson-christian-church-multiplication/>

<sup>33</sup> <https://www.nationalreview.com/2018/10/georgetown-professor-white-male-gop-senators-deserve-miserable-deaths-castration/>

<sup>34</sup> <https://pjmedia.com/trending/georgetown-welcomes-back-prof-who-doxxed-men-called-for-deaths-of-gop-senators/>

<sup>35</sup> <https://www.rt.com/usa/440475-georgetown-professor-castrate-vacation/>

<sup>36</sup> <https://www.youtube.com/watch?v=C8AEwiDRYf8>

<sup>37</sup> <https://www.timesofisrael.com/radical-rabbi-says-notre-dame-fire-retribution-for-13th-century-talmud-burning/>

<sup>38</sup> <https://www.timesofisrael.com/embracing-racism-rabbis-at-pre-army-yeshiva-laud-hitler-urge-enslaving-arabs/>

Some may object to such intervention on the basis of free speech, academic liberty, and libertarianism. However, the Department of Education has addressed curricular reform under Title VI before, by compelling Middle Eastern Studies to adjust their curricular materials.<sup>39</sup> Moreover, the Department has opened Title IX investigations against Women's Centres – on the basis that they exclude men.<sup>40</sup>

## JEWISH STUDIES

Brandeis University violates Title VI by offering various programs which focus on Jewish advocacy only. Brandeis must either eliminate these programs or create reasonable alternatives.

- a. Hornstein Jewish Professional Leadership Studies<sup>41</sup>
- b. Schusterman Center for Israel Studies<sup>42</sup>
- c. Near Eastern and Judaic Studies<sup>43</sup>
- d. Cohen Center for Modern Jewish Studies<sup>44</sup>
- e. Steinhardt Social Research Institute<sup>45</sup>

Alternative programs can include:

- a. An interdisciplinary centre devoted to monitoring and suppressing examples of Jewish hate speech against gentiles.
- b. A legal advocacy centre that aims to advance the rights of persecuted and victimized Caucasians and Europeans (victims of the Armenian Genocide, victims of the Circassian Genocide, ethnic violence against South African farmers, victims of Jewish persecution during the Soviet period, non-Jewish victims of the Holocaust).
- c. An academic centre devoted to a non-partisan study of European identity. There have been such calls in the past.<sup>46</sup>

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<sup>39</sup> <https://www.nytimes.com/2019/09/19/us/politics/anti-israel-bias-higher-education.html>

<sup>40</sup> <https://thefederalist.com/2019/11/26/u-s-department-of-education-to-investigate-georgetown-for-giving-women-privileges-it-doesnt-give-men/>

<sup>41</sup> <https://www.brandeis.edu/hornstein/>

<sup>42</sup> <https://www.brandeis.edu/israel-center/>

<sup>43</sup> <https://www.brandeis.edu/near-eastern-judaic/>

<sup>44</sup> <https://www.brandeis.edu/cmjs/>

<sup>45</sup> <https://www.brandeis.edu/ssri/>

<sup>46</sup> <https://areomagazine.com/2019/07/01/why-we-need-whiteness-studies/>

## JEWISH SCHOLARSHIPS

Generally speaking, since Brandeis University offers unconstitutional preferences for Jewish applicants, all financial aid distributed by the institution bears the stigma of discrimination. Examples include:

- a. Myra and Robert Kraft Israel Initiative, for Jewish professionals only.<sup>47</sup>
- b. The Malkin Israeli Endowed Scholarship, for Israeli Jews only.<sup>48</sup>
- c. Danciger Endowed Fellowship, for “Polish” students only.<sup>49</sup>
- d. Bennett Solomon Endowed Fellowship in Jewish Education.<sup>50</sup>

OCR must review, catalogue, eliminate all such scholarships. OCR must also investigate whether financial aid that is available to everyone in theory is reserved for Jews only in practice, as is consistent with past compliance reviews.<sup>51</sup>

## INJUNCTIVE RELIEF

This complaint proposes the following remedies.

- Brandeis University must eliminate all racist preferences in admissions and publish aggregate data about the test scores and GPAs of all applicants, categorized according to ethnicity. Jews must be classified as a *separate* group, *not* Caucasian/White, since this conflation has prevented any meaningful inquiry into Jewish ethnic nepotism in the past.
- Vague factors that allow for discrimination in favour of Jews, such as “extracurricular activities,” must be removed from admissions criteria.
- Brandeis University must create an academic program to study past persecution of people of European descent, at the hands of Jewish persecutors. The program must specialize in demanding reparations from Jewish groups.
- Brandeis University must eliminate academic programs that focus on Jewish scholarship and advocacy. In the alternative, the institution must create programs that focus on scholarship and advocacy for non-Jewish groups (for example, an interdisciplinary department devoted to monitoring and suppressing examples of Jewish hate speech).
- All financial aid must become race-neutral, both in theory and practice.

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<sup>47</sup> <https://www.brandeis.edu/hornstein/prospective/financial-aid.html>

<sup>48</sup> <https://www.brandeis.edu/student-financial-services/financial-aid/scholarships/international.html>

<sup>49</sup> <https://www.brandeis.edu/hornstein/prospective/financial-aid.html>

<sup>50</sup> *Ibid.*

<sup>51</sup> “The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations” (Case Processing Manual, p. 20). OCR must use its discretion in a manner which would eliminate civil rights violations against people of European descent. Please note that OCR is already using its discretion to launch compliance reviews against institutions that allegedly engage in systemic discrimination against Jews. Therefore, OCR’s refusal to launch compliance reviews to combat discrimination against gentiles will be actionable under Title VI.

## APPENDICES

**Appendix A:** Kenneth Marcus is a Jewish ethnonationalist who is the current Assistant Secretary for Civil Rights, at the civil rights branch of the United States Department of Education. He is abusing his authority to open unlawful investigations against high-ranking academic institutions, based on frivolous and self-serving accusations of Antisemitism. A letter of acknowledgement for a Title VI complaint against Rutgers University, for example, makes it clear that Marcus wants to criminalize all speech critical of Israel. Marcus has opened similar investigations against other institutions, despite having no legal authority to do so.

**Appendix B:** Letter of acknowledgement for a Title VI complaint against Stanford University, where Marcus attempts to manipulate admissions criteria in order to implement policies that will discriminate against people of European descent. The investigation has been assigned to Sara Berman, a Jewish attorney. The person who filed the complaint, David Bernstein, is also a Jewish ethnonationalist.

**Appendix C:** An excerpt from the comprehensive analysis of Ron Unz, who determined that Jews are overrepresented in academic institutions due to nepotistic preferences. It is clear from the results that people of European descent (i.e. white gentiles) are the only ethnic group who experience discrimination in college admissions.

**Appendix D:** Memorandum to various chapters of the Office for Civil Rights. The memorandum explains why Kenneth Marcus is in violation of American, European, international law – in addition to administrative precedent from OCR itself.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 27, 2018

Susan B. Tuchman, Esq.  
Zionist Organization of America  
4 East 34<sup>th</sup> Street  
New York, New York 10016

**Rutgers University - OCR Case No. 02-11-2157**

Dear Ms. Tuchman,

This letter responds to your appeal, dated September 29, 2014, of the US Department of Education, Office for Civil Rights' (OCR) July 31, 2014 determination regarding the above-referenced complaint you filed against Rutgers University (the University).

In your complaint, you alleged that the University discriminated on the basis of national origin (Jewish ancestry/ethnicity), in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), by failing to respond appropriately to a complaint filed on April 6, 2011, alleging that students were subjected to harassment and different treatment because of their national origin. Specifically, you alleged that you complained to the University that Jewish students were harassed and treated differently in the following manner: the Outreach Coordinator for the University's Center for Middle East Studies harassed a Jewish student (the Student) by (a) physically threatening him in November 2009, and (b) posting anti-Semitic comments about him on Facebook on December 9, 2010 (Allegation 1); other students harassed the Student by posting threatening comments about him on Facebook on or about January 31, 2011 (Allegation 2); and a student group called "Belief Awareness Knowledge and Action" (BAKA) treated Jewish students differently by charging an admission fee for an event only to Jewish and pro-Israel students on or about January 29, 2011 (Allegation 3).

As stated in OCR's July 31, 2014 letter of findings (LOF), OCR investigated your complaint, determined that there was insufficient evidence of discrimination on the basis of national origin with respect to all three allegations, and closed your case. You then timely appealed this determination on September 29, 2014. Familiarity with this record is assumed.

In your appeal, you make several arguments, which have been carefully reviewed and considered. For the reasons stated below, I have decided to vacate the LOF's analysis insofar as it suggests that there was not any evidence to corroborate that Jewish students were treated differently by being charged an admission fee for an event on or around January 29, 2011, and concludes that there was insufficient evidence to substantiate your allegation that the University failed to respond appropriately to student complaints regarding such allegedly discriminatory imposition of the admission fee at the event.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

With respect to Allegation 3, for example, there is no dispute that at some point just before the January 29 event, a decision was made to impose a \$5 admission fee. The LOF states, at page 9, that OCR “found no evidence that BAKA students had any involvement in the decision to impose the fee, or treated any individuals differently based on national origin with respect to collecting the fee.” In a footnote to this sentence, the LOF refers to an email purportedly written by a BAKA student volunteer stating that the volunteer was instructed to waive the fee for those who appeared supportive of the event, but indicates that OCR did not credit the veracity of the email due to its having been redacted for confidentiality reasons, and therefore accorded it no evidentiary value. The record shows that a student witness who received the email also described the context of the email to OCR in an interview, and that the email states that an event organizer had stated that the admission fee needed to be imposed because “150 Zionists just showed up,” although “if someone looks like a supporter, they can get in for free.”

Title VI prohibits discrimination on the basis of race, color, or national origin; it does not address discrimination on the basis of political opinions. An individual’s pro-Israel viewpoint itself – or, for that matter, any viewpoint on the policies of the state of Israel, the Israeli-Palestinian conflict, or related issues – is not protected by Title VI.<sup>1</sup> However, as OCR has repeatedly indicated previously, discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics – which may include discrimination against Jewish or Muslim students – is discrimination on the basis of national origin or race in violation of Title VI.<sup>2</sup> In determining whether students face discrimination on the basis of actual or perceived Jewish ancestry, we rely where appropriate upon widely established definitions of anti-Semitism. The International Holocaust Remembrance Alliance (IHRA) working definition is widely used by governmental agencies, including the U.S. Department of State, and is used by OCR as well. It provides as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective—such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

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<sup>1</sup> The extent to which the expression of such opinions is otherwise protected by the First Amendment or other principles of law is beyond the scope of this letter. While OCR does not enforce the First Amendment, OCR has made clear that it will interpret the laws and regulations it does enforce, including those that prohibit discriminatory harassment, consistent with the First Amendment. See Dear Colleague Letter dated July 28, 2003, available at <https://www2.ed.gov/print/about/offices/list/ocr/firstamend.html>. It is not necessary to delve into the complexities of such issues on the present facts, however; suffice it to say for now that OCR’s enforcement activity will not prohibit what the First Amendment allows or what Title VI does not proscribe.

<sup>2</sup> See Dear Colleague Letters dated October 26, 2010 (“Harassment and Bullying”), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> & September 13, 2004 (“Title VI and Title IX religious Discrimination in Schools and Colleges”) available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (The Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

The European Monitoring Centre on Racism and Xenophobia's (EUMC's) working definition of anti-Semitism is substantially similar to this definition and the definitions used by the U. S. Department of State.

While weighing the credibility of evidentiary sources is important, altogether disregarding the information reflected in the above-referenced email and accompanying witness information was erroneous. Whether or not BAKA or another group that was involved in the operation of the event decided to initiate the fee,<sup>3</sup> the email and accompanying witness information provide at least some evidence that such decision was motivated by the sudden appearance of "150 Zionists." It is not known how the event organizers defined the term "Zionist," but the characterization of a large number of people as such – "150 Zionists" – who "just showed up" could have been based at least partially on a visual assessment, as opposed to individually polling all 150 such unexpected arrivals as to their views on the policies of the state of Israel. In other words, the visual perception of the presence of "150 Zionists" referenced in the email could have been rooted in a perception of Jewish ancestry or ethnic characteristics common to the group. In cases such as this, it is important to determine whether terms such as "Zionist" are actually code for "Jewish."

Further, even if motivated solely by a desire to stack the audience with those who supported the event planners' political opinions (or, conversely, to filter out those who disagreed with those opinions), the email states by its very terms that appearance was the means used to determine whether a *waiver* of the fee necessitated by the presence of a large group of "Zionists" (however conceived) was appropriate. In addition, it is important to determine whether the conduct related to Israel is motivated by anti-Semitism. There is no indication that the Regional Office undertook such an analysis. The reports of some students not granted a fee waiver that their appearance reflected Jewish identity (e.g., by wearing a kippah) invites an inference that such Jewish-identifying appearance was used as a signal of the lack of ideological support.<sup>4</sup> In short, there was at least some evidence that event organizers treated some students differently by charging the admission fee based on their appearance of Jewish ancestry/ethnic characteristics. Thus, the LOF's suggestion that there was not any evidence to corroborate that premise was inaccurate, and vacating that analytical finding is necessary.

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<sup>3</sup> For purposes of the hostile environment analysis here, it is immaterial whether the alleged harassing activity – the imposition of the fee – was conducted by a group of student peers or a third party outside group, either of which would have been arguably accountable to the University in the context of these facts.

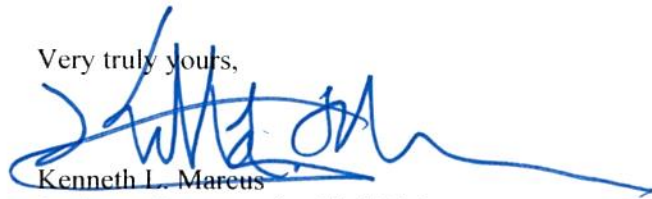
<sup>4</sup> Some Jewish students also claimed that they attempted to join BAKA at the event in order to qualify for a fee waiver, but were unsuccessful.

OCR's error in disregarding the email and related information echoed the University's failure to consider the same information when students attempted to bring it to the University's attention. The LOF states, at p. 10, that the University informed OCR that the students who complained "did not provide specific information to support that they were not permitted to enter the event because they were Jewish." However, the student who received the email told OCR that the University did not allow him and his fellow students to bring the BAKA student volunteer who sent the email to a meeting with University staff to discuss their complaints regarding the imposition of the fee at the event. The student also reported that he and his fellow students were not able to discuss the email or otherwise present their position at the meeting. Assuming *arguendo* that Jewish students were indeed treated differently at the event and that the University had notice of the same, the University would be obligated to take appropriate responsive action, including action to eliminate any hostile environment against Jewish students that exists. Given the relevance of the email to the question of different treatment as discussed above, the failure to consider such information when presented, if proven, would fall short of an appropriate response to student complaints of harassment made to the University regarding the event. Thus, it is likewise appropriate to vacate the conclusion in the LOF that there was insufficient evidence to substantiate that the University failed to respond appropriately to individual complaints regarding the January 29 event.

The decision to vacate the analytical conclusions described above does not mean that the facts as presented in the record establish a violation. At this point in time, it is unknown whether or not OCR's investigation, absent the errors identified above, would have revealed sufficient (i.e. preponderating) evidence that the imposition of the admission fee at the January 29 event was discriminatory on the basis of national origin and that the University's response to the same resulted in a hostile environment in violation of Title VI. Thus, in light of my decision on this appeal, OCR New York will re-open this case to reassess the evidence obtained during the investigation of the case in light of the definition of anti-Semitism and examples cited above to determine whether a hostile environment on the basis of national origin or race existed at the University for students of actual or perceived Jewish ancestry or ethnic characteristics. In addition, the investigation will also determine whether a hostile environment on the basis of national origin or race currently exists at the University for students of actual or perceived Jewish ancestry or ethnic characteristics.

This concludes OCR's consideration of your appeal. Staff from OCR New York will contact you if any additional information is needed. You may have the right to file a private suit in federal court, regardless of OCR's determination.

Very truly yours,



Kenneth L. Marcus

Assistant Secretary for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

REGION IX  
CALIFORNIA

August 14, 2018

Marc Tessier-Lavigne  
President  
Stanford University  
Office of the President  
Building 10  
Stanford, California 94305-2061

(In reply, please refer to case no. 09-18-2270.)

Dear President Tessier-Lavigne:

On (b)(6);  
(b)(7)(C) 2018, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Stanford University (University) from (b)(6); (b)(7)(C) (Student) alleging discrimination on the basis of race and sex. On June 28, 2018, OCR issued a notification letter informing the University that OCR had opened an investigation into whether the Student was denied admission to the University but a student with lesser standardized test scores, GPA, and extracurricular activities, who is a different race and sex, was admitted.

The Student is also alleging that he was subjected to different treatment on the basis of his Jewish ancestry or ethnicity when he was denied admission to the University. OCR has determined that this allegation is appropriate for investigation, and will be investigating the allegation under the same docket number.

OCR enforces Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities operated by recipients of Federal financial assistance. OCR also enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin in programs and activities operated by recipients of Federal financial assistance. Discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics is discrimination on the basis of national origin or race pursuant to Title VI. The University receives funds from the Department and is subject to the above laws and their regulations as enforced by OCR.

If you have any questions about this letter, please contact Dana Isaac Quinn, Attorney, at [dana.isaacquinn@ed.gov](mailto:dana.isaacquinn@ed.gov) or 415-486-5596.

Sincerely,

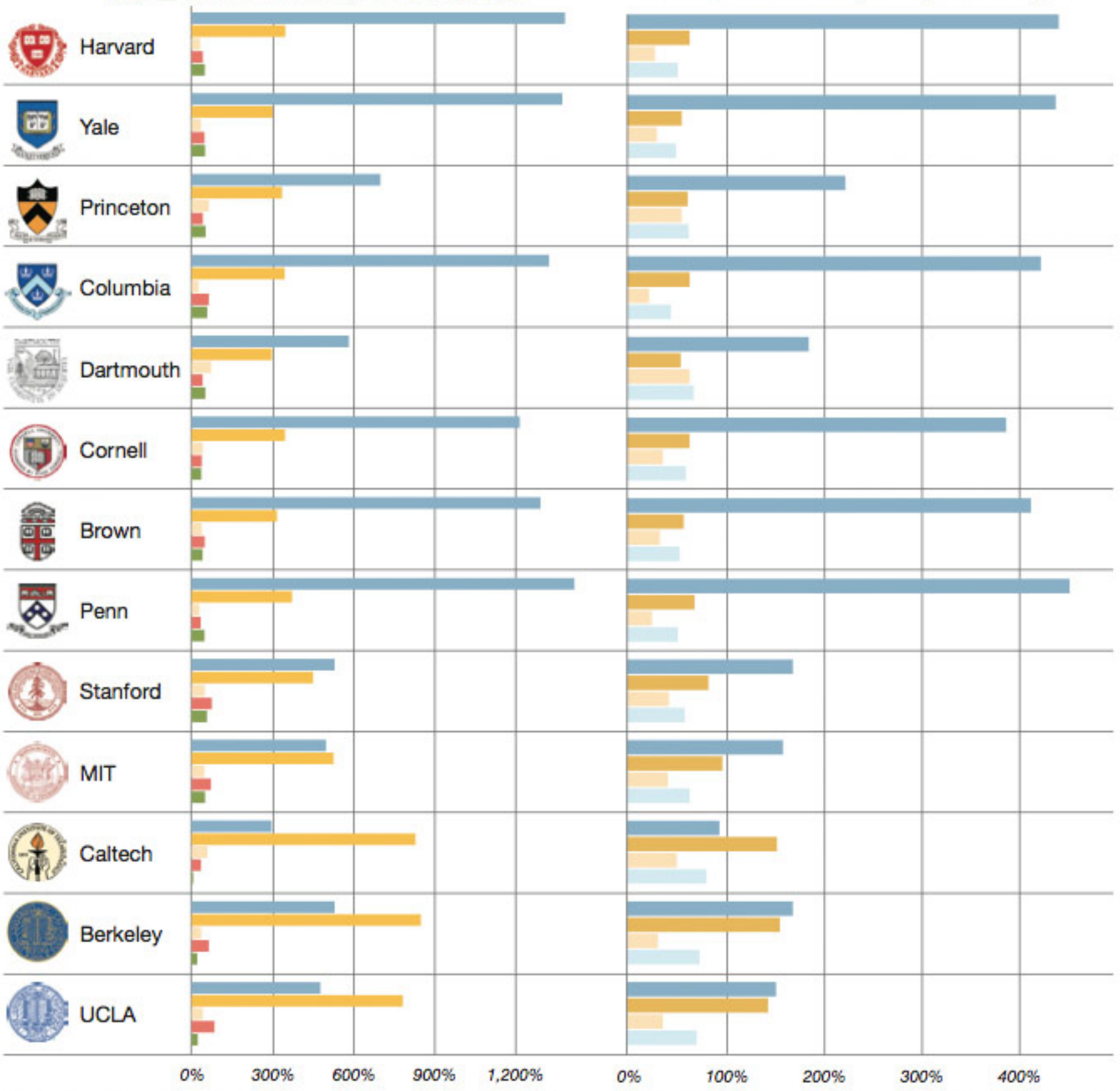
(b)(6); (b)(7)(C)

FOR Sara Berman  
Team Leader

cc: Debra Zumwalt, Vice President and General Counsel

**Elite University Enrollment Ratios 2007–11**  
*Relative to Total Age 18–21 Population*

**Elite University Enrollment Ratios 2007–2011**  
*Relative to High Ability Students Age 18–21*



Note that the ethnic enrollment ratios for Berkeley and UCLA are based on the national demographics, but their students are primarily drawn from within California, whose racial distribution is very different: the white student population is half the national average, while Asians and Hispanics are more numerous by a factor of two, implying different parity ratios. The underlying data for these charts is drawn from Appendix H.



Kursat Pekgoz <pekgoz@usc.edu>

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## Memorandum: Avoiding Complicity in War Crimes

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Kursat Pekgoz <pekgoz@usc.edu>

Tue, Jan 7, 2020 at 5:28 PM

To: Betsy.DeVos@ed.gov

Cc: Sandra.Bruce@ed.gov, Catherine.Grant@ed.gov, brian.ballentine@rutgers.edu, president@stanford.edu, rtorres@conet.ucla.edu, officeofthepresident@columbia.edu, OCR@ed.gov, OCR San Francisco <OCR.SanFrancisco@ed.gov>, OCR New York <OCR.NewYork@ed.gov>, OCR.Seattle@ed.gov, ocr.denver@ed.gov, ocr.chicago@ed.gov, ocr.dallas@ed.gov, OCR.Boston@ed.gov, ocr.dc@ed.gov, ocr.cleveland@ed.gov, ocr.philadelphia@ed.gov, ocr.kansas@ed.gov, ocr.atlanta@ed.gov, education@usdoj.gov

Dear All,

This is to notify you that Kenneth Marcus, current Assistant Secretary at the Department of Education's civil rights branch, is engaging in actions which violate both national and international law. To be specific, he seeks to use Title VI to outlaw boycott/criticisms of Israel and he is coercing academic institutions to admit more Jewish applicants (even though people of Jewish descent, 2% of the American population, are adequately represented in elite institutions already). Attachments included for your perusal.

Kenneth Marcus is engaging in efforts which violate the precepts of [the Supreme Court of Israel](#), [the Supreme Court of the United States](#), [the European Court of Justice](#), [the International Criminal Court](#), and [the World Court](#). His advocacy is opposed by consensus organizations like [FIRE](#), [ACLU](#), [AEI](#). Honorable DeVos [opposed his advocacy](#) before, and the Department of Education has [dismissed similar complaints](#) before. [The majority of Americans](#) reject his ideas. Marcus sought to implement these changes without public notice-and-comment, in violation of the Administrative Procedure Act. Since there is an open war crimes inquiry in the Hague about human rights violations occurring in Palestine, those who wish to avoid complicity in possible war crimes can fulfil their ethical obligations by contacting either the Council of Europe, or the International Criminal Court, about any issue of relevance.

Please also note that legal efforts to oppose discrimination against the male sex are consistent with the precepts of [the Supreme Court of the United States](#), [the European Court of Justice](#), [the International Criminal Court](#), and [the European Court of Human Rights](#). Please note *Markin v. Russia* in particular, a Grand Chamber judgement from the European Court of Human Rights.

Kind regards,  
Kursat Christoff Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California

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### 3 attachments

 **Informative Attachment.pdf**  
5318K

 **Amawi v Pflugerville Independent School District.pdf**  
393K

 **Markin v. Russia (2014).pdf**  
730K

Dear All,

This is to notify you that Kenneth Marcus, current Assistant Secretary at the Department of Education's civil rights branch, is engaging in actions which violate both national and international law. To be specific, he seeks to use Title VI to outlaw boycott/criticisms of Israel and he is coercing academic institutions to admit more Jewish applicants (even though people of Jewish descent, 2% of the American population, are adequately represented in elite institutions already). Attachments included for your perusal.

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Kind regards,  
Kursat Christoff Pekgoz  
Provost's Fellow  
Department of English  
University of Southern California



Kursat Pekgoz <pekgoz@usc.edu>

---

## Crimes Against Peace: COVID-19's Origins (China, Israel)

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**Lord Speaker** <lordspeaker@parliament.uk>  
To: Kursat Pekgoz <pekgoz@usc.edu>  
Cc: Lord Speaker <lordspeaker@parliament.uk>

Thu, Jun 11, 2020 at 5:56 AM

Dear Kursat,

Many thanks for your email to the Lord Speaker of which I can confirm safe receipt. The Lord Speaker has noted your email.

Kind regards,

Frances

Frances Thompson

Assistant Private Secretary to the Lord Speaker

House of Lords | London SW1A 0PW

020 7219 6058

[thompsonfb@parliament.uk](mailto:thompsonfb@parliament.uk)

[www.parliament.uk/lords](http://www.parliament.uk/lords)

[Quoted text hidden]

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Kursat Pekgoz <pekgoz@usc.edu>

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## Resposta da Presidência da República

---

infoap@presidencia.gov.br <infoap@presidencia.gov.br>  
To: pekgoz@usc.edu

Thu, Jun 4, 2020 at 10:47 AM

Prezado Senhor Kursat,

Em resposta a sua mensagem, o senhor presidente Jair Bolsonaro incumbiu-me de agradecer a disposição em opinar sobre o tema abordado.

Cordialmente,

Marcelo da Silva Vieira

Diretoria de Documentação Histórica

Gabinete Pessoal do Presidente da República



Content							
Duration	Publish date		Views ↓	Watch time (hours)	Subscribers ▲	Impressions ▲	Impressions click-through rate ▲
<input type="checkbox"/>	<b>Total</b>		<b>52,409</b>	<b>2,205.7</b>	<b>1,089</b>	<b>342,481</b>	<b>5.5%</b>
<input type="checkbox"/>	 0:18 <b>Fire Resistance (11 seconds)</b>		4,903 9.4%	26.2 1.2%	3 0.3%	741	16.5%
<input type="checkbox"/>	 0:08 <b>The Jellyfish from Space</b>		2,931 5.6%	15.1 0.7%	7 0.6%	415	4.1%
<input type="checkbox"/>	 4:23 <b>Perfect Pitch // Relative Pitch</b>		1,975 3.8%	29.6 1.3%	21 1.9%	19,681	6.5%
<input type="checkbox"/>	 7:49 <b>Singing Mozart's Symphony 40, G Minor, Molto Allegro ...</b>		525 1.0%	7.1 0.3%	-2 -0.2%	5,535	3.6%
<input type="checkbox"/>	 13:08 <b>Sibelius 2nd Symphony, Finale</b>		363 0.7%	3.6 0.2%	2 0.2%	4,618	5.5%
<input type="checkbox"/>	 0:12 <b>Fast Fingers!</b>		292 0.6%	1.1 0.1%	0 0.0%	1,165	13.1%



Aa



18:30

5h 13m

13

messenger



What's up



Create story



Kadriye



Aaron



Ayla



Elizabeth

All

Unread

Groups



Catherine Mary

Can you explain more to me · 18:29



William Crown Prince of the UK

You: Any questions about alien lifefor... · 18:27



King Charles

You: Hello, my king 😊 · 18:25



Empress Masako Queen of Japan

You: Any questions about this project? · 18:21



Christian Crown Prince of Denmark

You deleted a message · 17:44



Mark Lucas

You: Thank you for the warning I guess · 07:55



ChainUp Ad

White Label Crypto Spot & Futures Ex...

View more



Boyyo Maxwell

You: You're on my protection list, buddy · Fri



Chats



Stories



Menu



# William Crown Prince of the UK

@williamcrownprinceoftheuk


1.1K friends • 2 mutual

The Unofficial diary of the Prince of Wales

 Friends  Message 

**Posts** Photos

## Details

 Followed by 246 people

 See William Crown Prince of the UK 's About Info

## Friends

2 mutual friends

