



VIA ELECTRONIC AND U.S. MAIL

May 2, 2024

Michael Schill, President
Northwestern University
633 Clark Street
Evanston, IL 60208-1100

Northwestern University’s “Agreement on Deering Meadow” Violates Federal Civil Rights and Anti-Fraud Laws

Dear Mr. Schill:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We write because of your decision to appease an anti-Semitic mob by violating federal law.

As you are aware, Northwestern University is a node in the ongoing and coordinated campaign supporting the October 7, 2023, atrocities committed by the designated foreign terrorist organization Hamas.¹ This campaign includes a coordinated program of illegal intimidation and harassment targeting Jewish and Israeli students. Remarkably, the University has neither investigated nor punished the perpetrators of these unlawful acts. Accordingly, it is the subject of a federal civil rights investigation.²

On April 29, 2024, Northwestern published an “Agreement on Deering Meadow” to “help ensure that the violence and escalation we have seen elsewhere does not happen here at Northwestern,” protect “the safety of our entire community and ... free

¹ See, e.g., Susan Ferrechio, *Driven by Hamas: Campus Protests Led by Groups Backing Hamas Terrorists*, WASHINGTON EXAMINER (May 1, 2024), <https://bit.ly/49Y77jn>; see also Andrew Mark Miller, *Anti-Israel Protests Nationwide Fueled by Left-Wing Groups Backed by Soros, Dark Money*, FOX NEWS (Apr. 26, 2024), <https://bit.ly/3JGhkX4>; (Danielle Wallace, *Anti-Israel Agitators: Signs of ‘Foreign Assistance’ Emerge in Columbia, NYU Unrest*, FOX NEWS (Apr. 26, 2024), <https://fxn.ws/4do9lLV>; *The NGO Network Orchestrating Antisemitic Incitement on American Campuses*, NGO MONITOR (Apr. 25, 2024), <https://bit.ly/3w1EUFx>.

² Samantha Powers, *U.S. Department of Education Opens Title VI Investigation into Northwestern’s Handling of Alleged Antisemitism*, DAILY NORTHWESTERN (Jan. 24, 2024), <https://bit.ly/3Wp6UCO>.

expression,” and provide “support for our Muslim, Arab and Palestinian students.”³ Specifically, the University has promised to “support visiting Palestinian faculty and students” by “funding two faculty per year for two years,” and by “providing full cost of attendance for five Palestinian undergraduates to attend Northwestern for the duration of their undergraduate careers.”⁴ It has further promised to “fundraise to sustain this program beyond this current commitment.”⁵ It has further promised to “provide and renovate a house for MENA/Muslim students.”⁶ It apparently also has further promised or determined to exempt the anti-Jewish mob from discipline under the University’s Demonstration Policy, §§ IA, B, D, and II,⁷ unlawfully protecting foreign students otherwise subject to Student and Exchange Visitor Information System reporting and subsequent removal from the United States.⁸

The University’s promises to hire and fund “Palestinian” faculty and students, to provide and “renovate” a “house” for “MENA/Muslim students,” and its decision to exempt foreign students from generally applicable disciplinary policies, facially violate Title VI and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d and 2000e-2, and 8 U.S.C. § 1324b. Also, by engaging in unlawful national origin, religious, and citizenship discrimination contrary to its advertised claim that Northwestern “does not discriminate or permit discrimination by any member of its community against any individual on the basis of race, color, religion, [or] national origin” in matters of admissions, employment, services or in the educational programs or activities it operates,⁹ and by failing to apply the Demonstration Policy according to its terms, the University is violating both the anti-fraud/consumer protection provisions of the Higher Education Act (HEA) and Northwestern’s Program Participation Agreement, triggering potentially meritorious borrower defense claims to repayment of student loans¹⁰ and providing competent legal grounds for termination of its HEA Title IV eligibility.¹¹

³ Michael Schill et al., *Agreement on Deering Meadow, Leadership Notes*, NORTHWESTERN (Apr. 29, 2024), <https://bit.ly/4bjpKPR>.

⁴ *Agreement on Deering Meadow* (Apr. 29, 2024) (available at <https://bit.ly/4a7rsmu>).

⁵ *Id.*

⁶ *Id.*; see also Stacy St. Clair & Nell Salzman, *Northwestern University Reaches Agreement with Protesters*, CHICAGO TRIB. (Apr. 29, 2024), <https://bit.ly/4dkDj3w>.

⁷ *Demonstration Policy*, NORTHWESTERN UNIV. (Aug. 20, 2020) (available at <https://bit.ly/4aYLA5b>). The Demonstration Policy provides that “if faculty, staff, students, or student organizations are suspected of violating this Policy, the matter *will be* referred to the appropriate office or department for follow up under University policies and procedures.” *Demonstration Policy* at 4 (emphasis added).

⁸ Letter from Marco Rubio, U.S. Senator, et al., to the Hon. Alejandro Mayorkas, Secretary, U.S. Dep’t of Homeland Sec. (Oct. 19, 2023) (available at <https://bit.ly/4bmzrqn>).

⁹ NORTHWESTERN (last accessed May 1, 2024), <https://bit.ly/4bnT3B3> (located near the bottom of the page under the words “Northwestern’s Commitment to an Inclusive Environment”).

¹⁰ *Borrower Defense Toolkit*, AMERICA FIRST LEGAL FOUND. (Feb. 16, 2024), <https://bit.ly/44ru9hK> (linked at the bottom of the page in a red box with the words “Download Borrower Defense Toolkit PDF”).

¹¹ See generally 20 U.S.C. § 1094(c)(3)(B); 34 C.F.R. § 668.71(c); Standard Form 424B.

It is unclear whether Northwestern is acting out of cowardice and fear of pro-Hamas students or animus and bias against Jewish, Israeli, and American students.¹² Regardless, by a copy of this letter, AFL is referring this matter to the Equal Employment Opportunity Commission pursuant to 29 C.F.R. § 1601.6(a), seeking issuance of a Commissioner’s charge for an inquiry into the University’s promise to engage in unlawful employment practices under 42 U.S.C. § 2000e-2; the Department of Justice for an investigation of the University’s potentially unfair immigration-related employment practices in violation of 8 U.S.C. § 1324b pursuant to 28 C.F.R. § 44.100 *et seq.*; and to the U.S. Department of Education for an investigation of the University’s HEA violations and action to terminate its Title IV eligibility, as appropriate.

Your decision to violate federal civil rights laws and to materially misrepresent Northwestern University’s nondiscrimination policies and educational program, all to appease lawless supporters of terrorism and anti-Semitism, is a reprehensible abdication of your responsibility and a moral stain on your institution. Please rest assured that AFL will aggressively fight to protect the civil rights of *all* American citizens and to preserve the rule of law on your campus.

Sincerely yours,

/s/ Reed D. Rubinstein
Senior Vice President
America First Legal Foundation

Cc: The Honorable Charlotte A. Burrows, Chair, U.S. Equal Employment Opportunity Commission
The Honorable Jocelyn Samuels, Vice Chair, U.S. Equal Employment Opportunity Commission
The Honorable Keith E. Sonderling, Commissioner, U.S. Equal Employment Opportunity Commission
The Honorable Andrea R. Lucas, Commissioner, U.S. Equal Employment Opportunity Commission

¹² Northwestern admits to institutional “racism” and to “devaluing” students based on race, color, and national origin. Letter from Reed D. Rubinstein, Principal Deputy Gen. Couns., to the Hon. Gail Heriot, Comm’r, et al. (Jan. 13, 2021) (available at <https://bit.ly/4doplXG>). The “Deering Meadow” agreement is strong evidence that the institution devalues students who are Jews, Israelis, or American citizens.

The Honorable Kalpana Kotagal, Commissioner, U.S. Equal Employment Opportunity Commission

Amrith Aakre, Director, Chicago District Office, U.S. Equal Employment Opportunity Commission

Gregory M. Gochanour, Regional Attorney, Chicago District Office, U.S. Equal Employment Opportunity Commission

Alberto Ruisanchez, Deputy Special Counsel, Immigrant and Employee Rights Section, U.S. Department of Justice

James Kvaal, Under Secretary of the U.S. Department of Education

The Honorable Jim Jordan, Chairman, House Committee on the Judiciary

The Honorable James Comer, Chairman, House Committee on Oversight and Accountability

The Honorable Virginia Foxx, Chairwoman, House Committee on Education and Workforce