

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

March 22, 2024

Katya Jestin
Jenner & Block LLP
1155 6th Ave
New York, NY 10036

SUBMITTED VIA EMAIL

Re: Harvard Investigation into the October 18 Assault of

Dear Ms. Jestin,

We write to you with some urgency regarding our client . It appears, absent further prompt action from Harvard, that one of the two students against whom we submitted complaints on behalf of our client is scheduled to graduate from the University in May. If this matter is not addressed promptly, this student may forever bear the imprimatur of Harvard University.

As you are aware, the local prosecutors are currently negotiating court dates with two of the students identified in our complaints due to the criminal nature of their conduct. Yet, the internal University process appears to have stalled entirely. Therefore, we are now inquiring as to why the outside investigation initiated by your firm has not progressed, despite the fact that the incident in question occurred five months ago. Indeed, you first contacted our offices over two months ago seeking additional information, and when we discussed this matter, you indicated that the University wanted to address it promptly. The time to act is now as one of the students rapidly approaches the potential of being awarded a degree from Harvard.

Indeed, almost half a year has passed since the demonstration on October 18, 2023—organized by Harvard’s Palestine Solidarity Committee (PSC)—during which was verbally harassed and physically assaulted. Since then, patiently has sought justice to no avail. In November, filed formal complaints with both Harvard Law School (HLS) and Harvard Divinity School (HDS). Somewhat absurdly, despite the assault being captured on video by multiple cameras at several different angles, was then instructed by HBS’s Local Designated Resource to provide a complaint “in his own words” and informed that his identity would have to be revealed to the students who had violated the Anti-Bullying and Harassment Policy, or the University could take no further action. In December, once again submitted a *third* complaint describing the incident in detail and providing the same comprehensive video evidence.

In turn, on January 3, 2024, you reached out to Jason Torchinsky as part of Harvard’s effort to conduct an external investigation into the matter. We agreed to meet, and on January 5, 2024,

we spoke with you via Zoom to discuss the incident and sent you the relevant video evidence. As mentioned prior, you expressed an interest in resolving this matter efficiently and attentively. Though [REDACTED] has done nothing but make himself readily available to any entity willing to assist, we have not heard of a single development since, either from yourself or from Harvard University. We find this baffling.

In fact, Harvard University has not taken a single disciplinary action against any of the students involved in the wrongful treatment of [REDACTED] with the exception of one student at HDS, [REDACTED]¹ who reportedly lost his proctor privileges at Harvard College. Meanwhile, defamatory posts authored in the wake of the incident and directly targeting [REDACTED] remain online as of today and are easily accessible to you at this precise moment. In fact, Harvard PSC continues to maintain our client's photograph on its official X feed, which has been retweeted more than 21,000 times and "liked" by more than 45,000, which certainly implies approval of Harvard University. In addition, at least two postings by a current business school student on HBS affinity chats remain posted, though they refer to our client as "a Zionist aggressor" and include his photograph.

The lack of any tangible developments in this investigation is unacceptable as [REDACTED] rapidly approaches graduation. The protracted delay all but ensures that at least one of the offending individuals will have the privilege of graduating from Harvard without facing any serious academic or professional consequences for his actions. The message of Harvard University is loud and clear: Harvard students can harass and assault a Jewish individual on camera with impunity, advertise the attack on social media, and still receive a Harvard degree, scot-free. It is no small wonder antisemitism continues to fester on the Harvard campus. The knock seems to be coming from within.

In that vein, we request an update on the investigation, including substantive actions taken by either your office or Harvard University and a timeline of anticipated future actions to ensure that the complaint against soon to be graduating students are adjudicated in advance of their receipt of a Harvard degree. If there are no such actions to recount, we request a detailed explanation as to why the investigation has failed to proceed in a timely fashion and which steps you and Harvard intend to take to rectify the issue.

We appreciate your assistance in this matter.

Regards,

¹ Mr. [REDACTED] continues to post about "liberation theology" at [https://www.youtube.com/watch?v=\[REDACTED\]](https://www.youtube.com/watch?v=[REDACTED]) (visited March 22, 2024) (referring to Israel as an "apartheid regime" at 1:54 and that "our faith demands that we stand with the oppressed" at 2:13 and that "we have faith that empire will never prevail" at 2:47). He also posted an original poem reading at [https://www.youtube.com/watch?v=\[REDACTED\]](https://www.youtube.com/watch?v=[REDACTED]) (visited March 22, 2024), where he quotes a "Nazi theologian" saying, "We are to drive a spoke into the wheel itself" at 2:47 and refers to Israel and Jews as "brute of vipers, you who syphon the lifeblood of the innocent and intoxicate yourselves with it, you dangerous death duelists" at :55. At 2:30, he says, "your weapons are a fuck you to the prince of peace." At no time does he recognize or acknowledge the atrocities of October 7, 2023. And this student is about to receive a degree in divinity from Harvard.

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