

May 13, 2024

Dear Chairperson and Members of the Oversight Committee,

We are writing to inquire about the cancellation of the Congressional hearing scheduled for May 8, 2024. This hearing was meant to evaluate Mayor Muriel Bowser's and Chief of Police Pamela A. Smith's mismanagement of protest encampments on the Foggy Bottom campus of The George Washington University ("GWU"). This hearing was anticipated by many to shed light on the complexities and challenges faced by local authorities in balancing the rights of protesters with maintaining public order. More than 2,900 people have recently been arrested at pro-Palestinian protests on college campuses across the country. This issue is pervasive and dangerous on many levels, and therefore demands serious attention.

For over fifteen days, Mayor Bowser claimed that the protests at GWU were "peaceful" and "protected" as free speech under the First Amendment. GWU administration also, for the first ten days, claimed that these protests were "peaceful" and "protected" under the First Amendment. These perspectives were not only distorted but entirely false and biased against protecting students at GWU, including the targeted Jewish population there.

In addition, the GWU administration claimed that the Metro Police Department and the Mayor refused to intervene and GWU therefore did not have the proper resources to contain or put an end to the protests. The process, procedures, and communication among the Mayor, the Metro PD and GWU administration, as well as their responsibilities to the students counting on their protection, must be clarified. Evidently, each entity tried to distance themselves from their duties. They blamed each other for the failure to take timely, proper and appropriate actions to safeguard students and law-abiding citizens. The failure of any of these entities to act in a proper and timely manner when these protests interfered with the civil and constitutional rights of students and law-abiding citizens, and reeked with criminal activity, must be evaluated.

### **Background and Narrative Summary**

In light of the protests and encampment at Columbia University, the GWU administration emailed the community on April 17, 2024 informing us that protests would be prohibited due to finals week. Kogan Plaza and University Yard would be unavailable for events, programming, and unplanned activities from May 2 through May 12, including gatherings with amplified noise. This e-mail referred the community to the Student Code of Conduct. Thereafter, GWU sent an e-mail to the community on April 25, 2024, reversing course and indicating that the protests/encampments were protected under the First Amendment. The April 25 email was clearly in contradiction to university policy. These encampments from the inception have proven to be illegal and in violation of DC codes, rules, and statutes, as well as GWU's Student and Faculty Codes of Conduct. On May 5th, GWU President Ellen Granberg, for the first time after ten days, admitted in an email that these encampments were illegal. During the 15 day protest, faculty cancelled or rescheduled finals, professors protested alongside protestors and agitators, hundreds and hundreds of trespassers disrupted campus, student protesters received special treatment, (even having their finals waived), and the campus was generally put on tilt and terrorized.

Although GWU administration initially pledged to disperse the protestors on April 25 at 7:00 pm, the encampments gained momentum as GWU, Metro PD, and Mayor Bowser refused to intervene. For over two weeks, the protest steamed ahead with the support of some faculty and non-GWU affiliated activists and anarchists, who delivered

speeches that supported false narratives, further inciting hate, harassment and violence and emboldening the protesters. The protesters chanted "Death to Jews," broke down barricades, threw rocks, defaced statues, tore down American flags, raised Palestinian flags, harassed Zionists, Jews, and students passing the encampments, and conducted horrific tribunals against public officials and administrators. The protesters made threats of violence throughout the day and night, terrorizing the GWU community.

The encampment was finally dismantled by police with protestors arrested and dispersed in the wee hours of the morning of the scheduled Congressional hearing for Mayor Bowser and Police Chief Smith. This was an obvious political move by Bowser and Smith to avoid testifying before Congress, and they unfortunately reaped the benefits of this strategic endeavor with the cancellation of their hearing.

Importantly, on May 9, 2024, after the cancellation of the Congressional hearing, the protests re-emerged in a ferocious and emboldened manner on the Foggy Bottom campus outside the freshman dorm, Thurston Hall. It is rumored that people were bused in from Virginia to participate. This protest proceeded for hours on end until finally after midnight the police moved in. Make no mistake, this protest in front of a freshman dorm the week of finals in a school where 25% of the students are Jewish is clearly meant to target a minority population and to interfere with the right to equal access to education of all students. The failure of the Metro police, the Mayor and GWU to protect law abiding students and members of society in order to protect a lawless and dangerous mob must be investigated by Congress. Moreover, those responsible must be held accountable.

**Why did the GWU administration allow faculty to reward students who participated in illegal activities, while denying Jewish students accommodations for test-taking and finals?**

These encampments clearly not only violated GWU Faculty and Student codes of conduct but were replete with criminal activity including but not limited to hate speech, harassment, trespassing, vandalism, and assault GWU community members were targeted based on nationality, race, ethnicity, religion, and support of Israel. These encampments thus violated Title VI of the Civil Rights Act, specifically, the right of equal access to education. Students were afraid to walk on their own campus, attend class, take finals in person, and use the library. Most protesting students were not disciplined by GWU and in fact their misconduct and participation in illegal activities was rewarded with the rescheduling of or scraping of final exams, and special accommodations to make presentations or to take class from the encampment. The inaction of GWU to discipline students who blatantly and aggressively interfered with the constitutional and civil rights of others in an unlawful manner further demonstrates a failure in the administrative process and our education system at large. This is beyond comprehension. It merits a Congressional investigation and hearings to determine who is at fault, how we got to this point, and how to solve the problem.

**Request for Congressional Investigation and Hearing concerning the actions, inactions and breaches of duty by Mayor Bowser, Police Chief Smith, the Metro Police Department and the GWU administration.**

In light of these illegal activities and the unclear processes, procedures, coordination and interactions among and between Mayor Bowser, Police Chief Smith, the Metro Police Department and the GWU administration, we respectfully request an immediate investigation into the failure of Mayor Bowser, Police Chief Smith and the GWU administration to timely and properly intervene and protect the law abiding community during the protests in disregard of their duties and responsibilities. We urge you to consider the following:

**1. Rescheduling the Hearing:** We respectfully request that the committee promptly reschedule the hearing for Mayor Bowser and Police Chief Smith. Furthermore, we respectfully request that GWU President Granberg, Provost of Academic Affairs Christopher Bracey and Provost of Student Affairs Colette Coleman be added to the roster for testimony. As set forth above, immediately after the hearing was cancelled, another protest took place for hours on end on May 9, 2024, harassing students, causing extreme emotional distress, interfering with the constitutional and civil rights of law-abiding citizens, blocking access to student dormitories, and disabling access to essential facilities.

**2. Accountability to Restore Trust in the Community:** The Mayor, the Chief of Police and the GWU administration must be held accountable for their failure to lead, their failure to take timely, proper, and appropriate actions, and their failure to coordinate and have appropriate plans in place for eventualities such as the protests in question. Holding leadership accountable for their failure to act in accordance with their responsibilities will help restore public and community trust and prevent future instances of misconduct.

**3. A plan to restore safety and security to the GWU Foggy Bottom Campus:** It is imperative that Congress compel GWU, the Mayor and the Metro PD to immediately create a plan coordinating actions to deal with eventualities such as the protests. The failure to timely and appropriately deploy police by the Mayor and the Police Chief at the askance of the President of GWU is beyond the pale. Their abject failure to act necessitates the implementation of a specific plan which defines events that invoke the right of GWU to have Metro Police Department deployed in a meaningful and active way to address criminal activity on campus. This plan should include metrics as to the number of trespassers on campus at a given time that merit police intervention, and a list, although not exhaustive, specifying dangerous, discriminatory, aggressive, hostile, assaultive and/or harassing behaviors that trigger the right of GWU to timely, appropriate, and active Metro PD intervention in keeping with GWU's request for same.

The mismanagement of protest encampments has unfortunately led to a decline in trust and confidence in our cherished principles of democracy, including constitutional rights and civil liberties. However, we have an opportunity to turn this situation around. A clear and transparent explanation is essential to restoring trust and confidence and to maintain public safety and security but also to reinforce the legislative oversight processes. Requiring transparency of the Mayor, the Police Chief and the GWU administration will not only provide clarity but also demonstrate the unwavering commitment of Congress to uphold democratic values. Furthermore, it is absolutely necessary for Congress to compel the Mayor, the Metro PD and the GWU administration to work together and create a safety plan to deal with protests and other eventualities that could affect GWU's open and vulnerable Foggy Bottom campus located in our nation's Capitol. Safety and security cannot possibly be restored without a detailed, pragmatic, and effective plan in place.

Thank you for your dedication to transparency, accountability, and effective and pragmatic solutions. We eagerly await your prompt response to address these urgent concerns.

Sincerely,

GWUJPULSE Community Coalition