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**TOOLKIT** | Center for American Security & Higher Education Reform Initiative

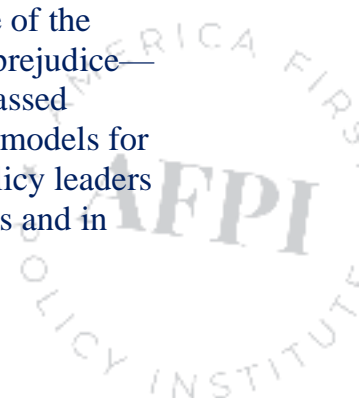
# **STAKEHOLDER TOOLKIT: COMBATING ANTISEMITISM IN YOUR STATE**

## **INTRODUCTION**

Antisemitism has reemerged as an urgent and systemic civil rights issue in the United States in recent years ([Belkin, 2022](#)). As researchers at the America First Policy Institute (AFPI) have observed, college campuses are a key locus of the problem—the place in American society where antisemitism’s “proponents feel free to articulate an intellectual defense of the hatred they advocate” and where one finds the “academic case for antisemitism” that justifies growing violence and bigotry toward a religious and ethnic minority ([Olidort & Pidluzny, 2022a](#)). Too often, the ideas and habits students learn on campus diffuse with graduates throughout society broadly. One only needs to look at the increasing frequency of attacks against Jewish residents in major U.S. cities—or the social media accounts of influential figures in popular culture—to appreciate antisemitism’s pervasive presence in America today ([Contreras, 2022a](#)).

Several nations, including one that only recently established diplomatic ties with Israel, recognize the connection between combating antisemitism and advancing national policy priorities. Earlier this month, while citing the historic Abraham Accords as a catalyst for the decision, the United Arab Emirates announced that it would become the first Arab state to require the teaching of the Holocaust in its primary and secondary schools ([Associated Press, 2023](#)).

Serious efforts to combat prejudice in the United States require a similar commitment to Holocaust education and raising awareness that a sinister ideology caused one of the darkest chapters in human history. Combating antisemitism—or any form of prejudice—begins in our schools. The good news is that states around the country have passed reforms regarding public K-12 and postsecondary education that can serve as models for others. A range of promising approaches has also been developed for state policy leaders who are interested in strengthening civil rights protections for Jewish residents and in



tackling the closely related issue of the anti-Israel Boycott, Divestment and Sanctions (BDS) movement.

The following toolkit builds on a 2022 issue brief titled, “Combating Antisemitism on U.S. College Campuses,” that focused on state and federal reforms with a proven record of fostering a more welcoming environment for Jewish students and faculty ([Olidort & Pidluzny, 2022b](#)). By adopting the legislative and executive actions in the eight areas outlined below, state leaders can advance efforts to overcome a centuries-old ideology of hate in the education sector and beyond.

## COMBATING ANTISEMITISM THROUGH EDUCATIONAL REFORM

In what is only the most recent high-profile example of campus antisemitism, members of Students Allied for Freedom and Equality, a virulently anti-Israel student group, marched through the University of Michigan in early January 2023, calling for Israel’s destruction ([Christenson, 2023](#)). The demonstration was not an isolated incident. A November 2022, report published by the AMCHA Initiative, a Jewish advocacy organization, found that antisemitic attacks on campus doubled over the previous year and that “suppression, denigration or challenges to the definition of Jewish identity” took place at 60% of the more than 100 campuses in their study ([AMCHA Initiative, 2022](#)). According to the advocacy group StopAntisemitism, a majority of Jewish students say they have experienced antisemitism on campus; only 28% of those surveyed said that their university takes protecting Jewish students seriously ([StopAntisemitism, 2022, p. 1](#)).

The report also found that Diversity, Equity, and Inclusion (DEI) initiatives often exclude Jewish students ([Ibid., p. 4-8](#)). When Jay Greene and James Paul examined the Twitter history of 741 DEI administrators spanning 65 universities in “Power Five” athletic conferences, they found a high level of interest in Israel and Israeli policy (three times the number of Tweets compared to China). Fully 96% of those Tweets “were critical of the Jewish state,” suggesting that DEI personnel are, in fact, active contributors to the hostile campus environment Jewish students often endure ([Greene & Paul, 2021, p. 2](#)). It should be a point of concern and embarrassment for higher education leaders that the Simon Wiesenthal Center listed antisemitism on American campuses as among the top 10 worst global trends in antisemitism for 2022 ([Wiesenthal Center, 2022](#)).

Public leaders around the country can learn from the following state-level initiatives. By adapting and refining them to suit their state’s particular needs, leaders can help ensure publicly funded schools are combating antisemitism instead of fueling it.

- **Establish a commission to study antisemitism and make concrete recommendations to educational leaders.**



In 2021, lawmakers in Texas passed a bill that established a new “Commission on Antisemitism,” which is made up of nine Texas residents appointed by the governor. The commission’s charge is to “conduct a study on antisemitism” in the state and “provide advice and assistance to public and private primary and secondary schools and institutions of higher education... regarding methods of combating antisemitism” ([TX HB 3257, 2021](#)). The statute also specifies an awareness-raising role that requires the new entity to help plan and coordinate information campaigns.

- **Require the governing boards of state universities to issue an annual report to state leaders regarding campus antisemitism and the institution’s response.**

Some states have established reporting requirements, especially regarding failures to protect students’ free speech rights, to force higher education leaders to pay more attention to known problems. This strategy can be adapted to create strong incentives for university administrators to do more to create a safe and welcoming environment for Jewish students while increasing transparency and accountability. State lawmakers can pass simple legislation requiring public campuses to issue an annual report summarizing student and faculty complaints of antisemitism and describing the institution’s response, as well as any ongoing steps being taken to combat discrimination based on religious identity or national origin.

For a concrete example that can be adapted for this purpose, lawmakers can look to legislation Georgia passed in 2022 ([GA SB 399, 2022](#)). It requires the Georgia Board of Regents to publish an annual report that addresses any “disruptions of free expression,” the administration’s “response and discipline relating to violations,” and “actions taken by public institutions... including difficulties, controversies, or successes, in maintaining a posture of administrative and institutional neutrality with regard to political and social issues.” The Board of Regents must provide a copy of this report to the state’s governor and both chambers of its general assembly.

- **State lawmakers can require disclosure of foreign gifts, reducing the influence of foreign donors who may fund bastions of campus antisemitism and even pressure colleges to tolerate it.**

It is well established that anti-Zionist and Boycott, Divestment and Sanctions (BDS)-supporting faculty tend to be concentrated in a small number of academic disciplines, specifically, Ethnic, Gender, and Middle East Studies Departments ([AMCHA, 2017, p.3](#)). Their presence on campus is also “associated with a significant increase in... incidents that target Jewish students for harm, including



assault, harassment, destruction of property and suppression of speech” (Ibid., p.4). As we explain in a previous issue brief, “U.S. universities accept major gifts from foreign countries and foundations... [including to support these] programs [which] have long been controversial, especially their accommodations of anti-Israel... faculty and programming” ([Olidort & Pidluzny, 2022, p. 5](#)). To combat the possibility of undue foreign influence on American campuses, Congress should adopt the bipartisan Safeguarding American Innovation Act (2021), introduced in the 117th Congress, which would lower the disclosure threshold for foreign gifts from \$250,000 to \$50,000.

In the meantime, states can act by requiring disclosure of all foreign gifts to state agencies. Florida has already done so and now requires disclosure of all gifts within 30 days while limiting the kinds of “international cultural agreements” colleges and universities may enter into with “foreign countr[ies] of concern.” These countries include China, Russia, and Iran ([FL HB 7017, 2021](#)). Louisiana has taken similar action, and its Higher Education Foreign Security Act (2022) requires semiannual reporting of foreign gifts (including any made through intermediaries) above \$50,000 to state institutions and all affiliated organizations. The statute wisely specifies the inclusion of gift agreements in the report and requires both “a detailed description of the purpose for which the gift is to be used,” and an annual audit of at least 5% of gifts received beginning in 2024. ([LA SB 473, 2022](#)).

- **Pass legislation requiring Holocaust education in public schools.**

Recent reports show that only 18 states have enacted legislation requiring Holocaust education in public K-12 schools ([Contreras, 2022b](#)). To be sure, some of the states that do not require Holocaust education by law nonetheless include it in their social studies standards. But those standards are subject to change without high levels of public transparency, and, as ongoing efforts to incorporate social justice priorities make clear, curriculum designers are continually revising learning objectives to make room for new areas of study ([Goldsmith, 2020](#); [Minnesota Dept. of Education, 2020, p. 21-25](#)). Passing legislation specifying core learning objectives regarding the Holocaust is the best way to solidify Holocaust education as an ongoing priority.

Requiring Holocaust education in schools is particularly urgent, explains Russell Contreras of *Axios*. Not only is it critical because of the recent increase in antisemitic incidents, he says, but it is desperately needed because the generation of Holocaust survivors who have traditionally visited schools to discuss their experiences as guest speakers are passing away. This loss will leave current and future generations of public school students with even less understanding of the



Holocaust and less of the historical awareness that works to counteract the spread of antisemitism.

Legislation that requires schools to incorporate Holocaust education into social studies curricula and model standards should underscore the unique monstrosity of the event, situating it in a historical and ideological context. In terms of the historical context, teaching about the Holocaust should be tied to the history of the Jewish people in Europe, the establishment of Israel, and the lessons for the United States to prevent such a tragedy from recurring. The legislation should include specific curricular standards and learning outcomes and can mandate that the state superintendent (or relevant official) consult with “an organization dedicated to Holocaust remembrance, Holocaust education, and the preservation of the memory of victims of the Holocaust” (WI S 69, 2021).

## **ADDITIONAL STATE ACTIONS TO COMBAT ANTISEMITISM AND ANTI-ISRAEL IDEOLOGY**

Educational reform is just a starting point. The BDS movement, which has its roots in academic circles, has, over the years, made deep inroads into the business world and corporate culture. A recent example was Ben & Jerry’s decision on July 19, 2021, to cease selling its ice cream in Israel. When doing so, it claimed that “it is inconsistent with [company] values for Ben & Jerry’s ice cream to be sold in the Occupied Palestinian Territory” (Ben & Jerry’s, 2021). BDS initiatives are so pernicious because their purpose is to delegitimize Israel through public ostracism and by marshaling financial pressure to undermine Israeli organizations and institutions. As the Anti-Defamation League (ADL) has argued, “many of the founding goals of the BDS movement, which effectively reject or ignore the Jewish people’s right of self-determination, or that, if implemented, would result in the eradication of the world’s only Jewish state, are antisemitic” (ADL, 2022).

Addressing BDS in a comprehensive way requires state action to make companies engaged in boycotts of Israel ineligible for state contracts, procurement, and public investment. States can also adopt the International Holocaust Remembrance Alliance (IHRA) “working definition” of antisemitism to signal to state employees that protecting the civil rights of Jewish residents is a priority. It reads 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 (International Holocaust Remembrance Alliance, 2022).

The “working definition” is deliberately constructed to cover attacks “targeting of Israel, conceived as a Jewish collectivity” in addition to acts targeting Jewish individuals. AFPI agrees with IHRA’s comprehensive definition, which conveys the full extent of antisemitism and how it is expressed.

State leaders are encouraged to consider whether the following concrete initiatives would help combat antisemitism in their states.

- **Prohibit the state from contracting with businesses that engage in boycotts of Israel (or other jurisdictions with which the state enjoys open trade).**

Ohio legislators revised their state code to include a simple prohibition that forbids the state from contracting with businesses engaged in political boycotts of foreign countries. It did so by adding one straightforward section:

A state agency may not enter into or renew a contract with a company for the acquisition or provision of supplies, equipment, or services or for construction services, unless the contract declares that the company is not boycotting any jurisdiction with whom this state can enjoy open trade, including Israel, and will not do so during the contract period (OH HB 476, 2016).

New York Governor Andrew Cuomo established a similar policy by executive order in 2016. The action, then billed as a first-in-the-Nation move, requires the Commissioner of the Office of General Services to “develop a list of institutions and companies that... participate in boycott, divestment, or sanctions activity targeting Israel.” All agencies and departments subject to gubernatorial authority are required to “divest their money and assets” from institutions and companies on the list (NY EO 157, 2016).

- **Prohibit investment of state pension fund assets in or with companies that participate in the BDS movement.**

More than two dozen other states have taken similar actions, ranging from resolutions discouraging business with companies engaged in anti-Israel boycotts to legislation requiring public pension fund managers to refrain from investing in or with firms that support the BDS movement. Illinois was the first state to take the latter action when it passed SB 1761 with strong bipartisan support in 2015 (Kontorovich, 2015). The statute requires the state’s investment policy board to



update a list of restricted companies on a quarterly basis and distribute it to each retirement system. In addition to prohibiting the investment of public pension funds in companies that support the BDS movement, state lawmakers can require the foundations that manage university endowments to conform their investments to the same restricted company lists.

- **Take executive or legislative action to adopt the IHRA “working definition” of antisemitism.**

Altogether, thirty states have adopted the IHRA “working definition” of antisemitism by executive or legislative action.<sup>1</sup> Tennessee Governor Bill Lee did so on International Holocaust Remembrance Day. His gubernatorial proclamation on January 27, 2022, closed with a commitment: “we the people of the state of Tennessee should remember the victims of the Holocaust and reflect on the moral responsibilities of the individuals and governments, remain vigilant against hatred and acts of antisemitism, and stand in solidarity with Jewish people” ([Lee, 2022](#)). Alabama’s proclamation, signed by Governor Kay Ivey on the same day, recognizes that “Jews are consistently the most likely of all religious groups to be victimized by incidents of hate” and acknowledges that state officials “have a responsibility to protect citizens from acts of hate and bigotry motivated by discriminatory animus” ([Ivey, 2022](#)).

Other states have adopted the IHRA definition by legislative action, including Kentucky, where a joint House-Senate resolution also condemns specific recent instances of antisemitism in the state. The resolution ends by encouraging public officials to “live up to the transcendent [principles] of tolerance, religious freedom, and equal protection as embodied in the Declaration of Independence and the First and Fourteenth Amendments to the [U.S.] Constitution” ([KY 21 RS BR 1335, 2021](#)).

- **Adopt the International Holocaust Remembrance Alliance (IHRA) “working definition” of antisemitism to extend civil rights protections to include discrimination based on religion.**

Title VI of the Civil Rights Act of 1964 forbids discrimination based on race, color, and national origin at schools that receive federal funding. But it does not extend to religion. When Florida passed binding legislation adopting the IHRA definition in 2019, the state also extended anti-discrimination protections to include discrimination based on religion for students and employees in the public elementary, secondary, and postsecondary education systems. The statute specifically requires all public schools and universities to “treat discrimination by students or employees or resulting from institutional policies motivated by anti-



Semitic intent in an identical manner to discrimination motivated by race” (FL HB 741, 2019).

## CONCLUSION

Eradicating the evil ideology of antisemitism that has existed for millennia is an impossible task, however noble the aspiration. That said, those millennia of history, and in particular the last century, provide important lessons for policymakers on the most effective ways to respond to antisemitism. This effort is a critical one and can do much to address other forms of discrimination and hatred, and even to bolster American identity and prosperity, as some observers have pointed out in recent years (Milstein, 2023; ; Wisse, 2015; Wisse, 2022).

Combating hatred and bigotry in society begins with education. Revising social studies standards to ensure that the Holocaust is a required element of K-12 public school curricula in every state should be an unobjectionable first step. But higher education is where the focus must be. Students parading through campus chanting “Long live the intifada” and “From the river to the sea, Palestine will be free” are effectively celebrating violence against Jews and calling for the eradication of a nation-state (Christenson, 2023). When student groups organize high-profile events on campus to demonize fellow students (based on their religion or any feature of identity), university leaders should do everything they can to encourage more civil modes of deliberation, which they can do without forbidding speech or endorsing a specific political viewpoint.

Criticism of Israel and its policies is rightly protected by the First Amendment and norms of academic freedom at a public university; students and professors *should* debate the issues raised. Faculty and institutional leaders must make it a priority to model vigorous debate while being mindful that some questions are personally difficult for some students. To put it another way, it is possible to criticize vile expressions of hatred—whether directed at Jewish, Christian, or gay students—without violating anyone’s First Amendment rights or taking an institution-wide position on the underlying political questions. To see hatred expressed on college campuses, without a serious effort by the administration to discourage it, only serves to normalize it.

The University of Michigan is one of many schools that has failed its Jewish students, who are entitled to a learning environment free from harassment and intimidation. That is why state legislators must act to create stronger incentives for university leaders to protect all students’ civil rights. When college students learn to fight antisemitism rather than tolerate it, universities will be allies in the fight against a centuries-old ideology of hate. As a result, the prescriptive legislation discussed here will become less urgent in the future than it is today.





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## END NOTES

<sup>1</sup> As of November 2022, the following states that adopted the IHRA definition of antisemitism by legislation or executive order: Alabama (January 2022), Alaska (April 2022), Arizona (April 2022), Connecticut (January 2020), Florida (May 2019), Idaho (January 2022), Iowa (March 2022), Kansas (March 2022), Kentucky (February 2021), Louisiana (June 2022), Maine (January 2020), Massachusetts (January 2020), Montana (December 2021), Nebraska (May 2022), Nevada (January 2022), New Hampshire (January 2020), New Mexico (August 2022), New York (June 2022), Ohio (April 2022), Oklahoma (January 2022), Rhode Island (January 2020), South Carolina (May 2018), South Dakota (December 2021), Tennessee (January 2022), Texas (May 2021), Utah (January 2022), Vermont (January 2020), Virginia (January 2022), West Virginia (January 2022), Wyoming (January 2022).





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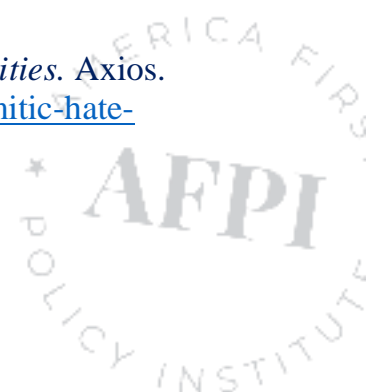
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