ACLJ

MEMORANDUM

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ANTISEMITISM IN THE UNITED STATES[1]

Recent surveys indicate that antisemitism remains a persistent, pervasive, and disturbing problem in contemporary American society, and that Jewish people continue to be a targeted minority in the United States.[2]

Data shows, for instance, that although Jews make up only roughly two percent of the population, they are consistently the most likely of all religious groups to be victimized by incidents of hate, and that such incidents are increasing at an alarming rate.[3] Moreover, over thirty percent of Americans claim they do not know what the word antisemitism means or have never even heard of the word.[4] Worse, eighty-five percent of Americans believe at least one antisemitic trope.[5]

It is no surprise then, that on campuses across the country antisemitism has become entrenched, systemic, broad, and deep. Based on an Anti-Defamation League (ADL) audit of antisemitic incidents (which include harassment, vandalism, and assaults in the United States), the 2018 incident total was forty-eight percent higher than the number of incidents in 2016 and ninety-

[1] Portions of this memorandum are adapted from Mark Goldfeder, *Defining Antisemitism*, 52 SETON HALL L. REV. 119 (2021), https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1808&context=shlr, and Mark Goldfeder, *Why We Should Applaud Trump's Executive Order on Anti-Semitism*, THE HILL (Dec. 16, 2019), https://thehill.com/opinion/civil-rights/474271-why-we-should-applaud-trumps-executive-order-on-anti-semitism.

[2] *Compare The State of Antisemitism in America 2022: AJC's Survey of the General Public*, AM. JEWISH COMM., https://www.ajc.org/AntisemitismReport2022/GeneralPublic (last visited Apr. 10, 2023), *with The State of Antisemitism in America 2022: AJC's Survey of American Jews*, AM. JEWISH COMM., https://www.ajc.org/AntisemitismReport2022/AmericanJews (last visited Apr. 10, 2023).

[3] *AJC Deeply Troubled by FBI Hate Crimes Data Showing Overall Increase, Jews Most-Targeted Religious Group*, AM. JEWISH COMM., https://www.ajc.org/news/ajc-deeply-troubled-by-fbi-hate-crimes-data-showing-overall-increase-jews-most-targeted (last visited Apr. 10, 2023).

[4] *AJC's Survey of the General Public*, *supra* note 2.

[5] Center for Antisemitism Research, *Antisemitic Attitudes in America: Topline Findings*, ADL (Jan. 12, 2023) https://www.adl.org/resources/report/antisemitic-attitudes-america-topline-findings .

nine percent higher than 2015.[6]

The ACLJ has taken action on numerous occasions to stand in the breach and protect Jewish students and professors from harassment and discrimination using Title VI of the Civil Rights of 1964.[7] Here is how Title VI works.

In the United States, Title VI "prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance."[8] The Office for Civil Rights (OCR) in the United States Department of Education "is responsible for enforcing Title VI as it applies to programs and activities funded by"[9] the U.S. Department of Education.

Notably, Title VI *does not* give OCR jurisdiction to investigate incidents of *religious* discrimination. Until 2004, OCR was making the same mistake that many university offices are still making today: they were declining to investigate antisemitic complaints under their regular well-established framework for dealing with discrimination against other minorities because they saw Jews as only a religious group, and not a race, ethnicity, or type of national origin.

Because Jewish identity is so multifaceted, encompassing aspects of race, religion, ethnicity, national origin, etc., it can sometimes be hard for the untrained eye to identify, and because antisemitism fell outside the bounds of the normal framework, it was much easier to get away with.

Thankfully, in a September 13, 2004, Dear Colleague letter, then U.S. Department of Education Deputy Assistant Secretary for Enforcement Kenneth L. Marcus issued a series of policy statements that emphasized the "right of all students, *including students of faith*, to be free from discrimination in our schools and colleges under Title VI . . . ."[10]

Assistant Secretary Marcus wrote the following:

> [W]e must remain particularly attentive to the claims of students who may be targeted for harassment based on their membership in groups that exhibit both ethnic and religious characteristics, such as Arab Muslims, Jewish Americans and Sikhs . . . .
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> Groups that face discrimination on the basis of shared ethnic characteristics may not be denied the protection of our civil rights laws on the ground that they also share a common faith. Similarly, the existence of facts indicative of religious discrimination does not divest OCR of jurisdiction to investigate and remedy allegations of race or ethnic discrimination. OCR will exercise its jurisdiction to enforce the Title VI prohibition against national origin discrimination, regardless of whether the groups

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[6] *Audit of Anti-Semitic Incidents: Year in Review 2018*, ADL (May 3, 2022), https://www.adl.org/resources/report/audit-anti-semitic-incidents-year-review-2018.
[7] 42 U.S.C. § 2000d.
[8] *Title VI of the Civil Rights Act of 1964: 42 U.S.C. § 2000d Et. Seq.*, U.S. DEP'T OF JUST., https://www.justice.gov/crt/fcs/TitleVI-Overview (Apr. 25, 2022).
[9] Office for Civil Rights, *Education and Title VI*, U.S. DEP'T OF EDUC., https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html (last visited Apr. 10, 2023).
[10] Dear Colleague Letter from Kenneth L. Marcus, Deputy Assistant Sec'y for Enf't, U.S. DEP'T OF EDUC. (Sept. 13, 2004), https://www2.ed.gov/about/offices/list/ocr/letters/religious-rights2004.pdf (emphasis added).

> targeted for discrimination also exhibit religious characteristics . . . .
>
> No OCR policy should be construed to permit, much less to require, any form of religious discrimination or any encroachment upon the free exercise of religion.[11]

This reasoning was emphasized again by then Assistant Attorney General Thomas E. Perez in his September 8, 2010, letter to then Assistant Secretary for Civil Rights Russlynn H. Ali.[12] Assistant Attorney General Perez wrote:

> Although Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other religious groups violates Title VI when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics, rather than its members' religious practice. Title VI further prohibits discrimination against an individual where it is based on actual or perceived citizenship or residency in a country whose residents share a dominant religion or a distinct religious identity.[13]

This reasoning has been confirmed in court both in Title VI cases[14] and in the Title VII context.[15] While the Supreme Court of the United States has not yet weighed in on the issue, the Court has twice held that other statutes that were similarly intended to protect identifiable classes of persons who are subject to intentional discrimination because of their ancestry or ethnic characteristics included Jewish people.[16]

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[11] *Id.*

[12] Letter from Thomas E. Perez, U.S. Assistant Att'y Gen., to Russlynn H. Ali, Assistant Sec'y for C.R. (Sept. 8, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf.

[13] *Id.*

[14] T.E. v. Pine Bush Cent. Sch. Dist., 58 F. Supp. 3d 332, 354 (S.D.N.Y. 2014).

[15] In the words of Judge Mark Hornsby:

> America is no stranger to anti-Semitism, which is often rooted in prejudice against a person based on his heritage/ethnicity without regard to the person's particular religious beliefs . . . . Jewish citizens have been excluded from certain clubs or neighborhoods, and they have been denied jobs and other opportunities based on the fact that they were Jewish, with no particular concern as to a given individual's religious leanings.

Michael Kunzelman, *Judge: Jewish Heritage Can be Basis for Race Discrimination*, ASSOCIATED PRESS (July 16, 2018), https://apnews.com/article/82c5075c54ce4f179e6517f0e4f07824. Thus, they have been treated like a racial or ethnic group that Title VII was designed to protect from employment discrimination based on membership in that group. *See* T.E. v. Pine Bush Cent. Sch. Dist., 58 F. Supp. 3d 332, 355 (S.D.N.Y. 2014).

[16] St. Francis Coll. v. Al-Khazraji, 481 U.S. 604, 613 (1987); Shaare Tefila Congregation v. Cobb, 481 U.S. 615, 617-18 (1987).

See Pine Bush Cent. Sch. Dist., 58 F. Supp. 3d at 354–55, for a broad overview of federal courts that have included Jewish people in this identifiable class:

> Regardless of whether religious bias alone can form the basis of a Title VI claim or anti-Semitism can provide a basis for national origin discrimination, courts have regularly found that anti-Semitic harassment and discrimination amount to racial discrimination. *See Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617-18, 107 S. Ct. 2019, 95 L. Ed. 2d 594 (1987) (explaining "that the Court of Appeals erred in holding that Jews cannot state a § 1982 claim against other white defendants"); *Sherman v. Town of Chester*, 752 F.3d 554, 567 (2d Cir. 2014) (holding that "Jews are considered a race for the purposes of §§ 1981 and 1982"); *United States v. Nelson*, 277 F.3d 164, 177 (2d Cir. 2002) (holding that "Jews count as a 'race' under certain civil rights statutes enacted pursuant to Congress's

Even under Title VI, not all forms of harassing behavior are illegal.[17] For example, typical school bullying behavior does not run afoul of Title VI, so long as the bullying is not based on race, color, or national origin. It is only illegal, and therefore subject to regulation, if it is based on an illegal discriminatory intent.[18] The problem for OCR was that without a definition of antisemitism to use as a reference, the unanswered question of how to determine illegal antisemitic intent meant that Jewish students were always vulnerable to attack.

However, as a result of former President Trump's December 11, 2019, Executive Order (EO),[19] this issue was clarified in two important ways. First, so as not to leave any doubt, the EO codified the now longstanding policy that protected Jewish students from antisemitic attacks. The EO reads, in part: "It shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI."[20]

Second, "[i]n enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin," the EO stated that "all executive departments and agencies (agencies) charged with enforcing Title VI shall consider" the International Holocaust Remembrance Alliance's (IHRA's) definition of antisemitism.[21] This non-legally binding working definition of antisemitism, which was adopted by the IHRA on May, 26, 2016, 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."[22]

There were (and there remain) some critics, including those who were worried that the EO would curtail their own antisemitic actions, who claim that formally adopting the IHRA definition is somehow an attack on free speech.[23] Properly translated into legal terminology, their critiques are

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power under the Thirteenth Amendment"); *Bachman v. St. Monica's Congregation*, 902 F.2d 1259, 1261 (7th Cir. 1990) (finding that Jews constitute a race within the meaning of federal civil rights statutes); *Lenoble v. Best Temps, Inc*., 352 F. Supp. 2d 237, 247 (D. Conn. 2005) (noting that "Jews are a distinct race for § 1981 purposes"); *Powell v. Independence Blue Cross, Inc*., No. 95-CV-2509, 1997 U.S. Dist. LEXIS 3866, 1997 WL 137198, at *6 (E.D. Pa. Mar. 26, 1997) (finding that "[§] 1981 must be read to encompass discrimination against a plaintiff because of his Jewish ancestry or ethnicity"); *Singer v. Denver Sch. Dist. No. 1*, 959 F. Supp. 1325, 1331 (D. Colo. 1997) (noting that Jews are "a distinct racial group for the purposes of § 1981").

[17] Office for Civil Rights, *Race, Color, or National Origin Discrimination: Frequently Asked Questions*, U.S. DEP'T OF EDUC., https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html.

[18] Civil Rights Division, *Section VI: Proving Discrimination—Intentional Discrimination*, *in* TITLE VI LEGAL MANUAL, https://www.justice.gov/crt/fcs/T6Manual6 (Feb. 3, 2021).

[19] 84 C.F.R. 68779 (Dec. 16, 2019), https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf. Former President Trump was not creating new laws but clarifying how the executive branch understands and applies the definitions in existing anti-discrimination law. *Defining Antisemitism*, *supra* note 1.

[20] 84 C.F.R. 68779, *supra* note 19.

[21] *Id.*

[22] *About the IHRA Non-Legally Binding Working Definition of Antisemitism*, INT'L HOLOCAUST REMEMBRANCE ALL., https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism (last visited Apr. 10, 2023).

[23] *See, e.g.*, David Jackson, *Trump Signs Executive Order on Anti-Semitism that Critics Say Attacks Free Speech*, USA TODAY (Dec. 11, 2019), https://www.usatoday.com/story/news/2019/12/11/trump-sign-anti-semitism-order-critics-say-stiflesfree-speech/4396213002/.

based on either First Amendment overbreadth doctrine concerns, vagueness concerns, or both.[24] A law or regulation is considered overbroad when it can "prohibit protected as well as non-protected speech."[25] A law is considered vague when people "of common intelligence must necessarily guess at its meaning,"[26] (i.e. when it does not give sufficiently clear notice to a reasonable person of what it demands or prohibits). These arguments, as applied to the EO and similar policies, are wrong, for at least six reasons.[27]

First, the EO simply did not restrict or prohibit speech. Every person remains perfectly free to say what they want, however abhorrent, about Jews and/or the Jewish State of Israel. As the Supreme Court of the United States explained in *Tinker v. Des Moines*, the "vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."[28] Hate speech is protected, obviously, but that does not mean that we cannot call it what it is: hateful. If that speech should cross the line and reach the level of discriminatory harassment, with or without accompanying acts,[29] "then and only then is regulation appropriate. Speech codes are constitutionally problematic; regulating *discriminatory conduct* is not."[30] The EO only addresses harassment, not speech, and harassing actions (or verbal acts that rise to the level of harassment) are already impermissible.[31]

Second, "for there to be a violation of free speech, the order would have to be about regulating private speech, not government speech."[32] All the EO does (and, for that matter, all that similar school policies and state bills would do) is explain how the government defines antisemitism when it is deciding where to allocate its money. The Supreme Court of the United States, in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.* explained that "[w]hen government speaks, it is not barred by the Free Speech Clause from determining the content of what it says . . . . Were the Free Speech Clause interpreted otherwise, government would not work."[33]

Third, for those who would complain that the government was somehow taking sides by

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[24] *See, e.g.*, *Submission by the Foundation for Individual Rights in Education to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Regarding Academic Freedom on College Campuses*, FOUND. FOR INDIVIDUAL RTS. IN EDUC. (Apr. 28, 2020), https://www.ohchr.org/Documents/Issues/Opinion/Submissions/NGOs/Foundation_for_Individual_Rights_in_Education_FIRE.pdf.

[25] Richard Parker, *Overbreadth*, FIRST AMEND. ENCYC., https://police.mtsu.edu/first-amendment/article/1005/overbreadth.

[26] Connally v. Gen. Constr. Co., 269 U.S. 385, 391 (1926).

[27] *See Why We Should Applaud*, *supra* note 1; *Defining Antisemitism*, *supra* note 1.

[28] Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 512 (1969) (quoting Keyishian v. Bd. of Regents, 385 U.S. 589, 603 (1967)).

[29] Dear Colleague Letter from Russlynn Ali, Assistant Sec'y for C.R., U.S. DEP'T OF EDUC. (Oct. 26, 2010), https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf. The letter reads, in pertinent part:

> Harassing conduct may take many forms, including verbal acts . . . when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.

Id. at 2.

[30] Goldfeder, *Why We Should Applaud*, *supra* note 1 (emphasis added).

[31] Goldfeder, *Why We Should Applaud*, *supra* note 1.

[32] Goldfeder, Why We Should Applaud, supra note 1.

[33] Walker v. Sons of Confederate Veterans, Inc., 135 S. Ct. 2239, 2245-46 (2015).

adopting a well-accepted definition of antisemitism, thereby raising the specter of viewpoint discrimination, the answer to that question is once again right there in *Walker*: "We have … refused [t]o hold that the Government unconstitutionally discriminates on the basis of viewpoint when it chooses to fund a program dedicated to advance certain permissible goals, because the program in advancing those goals necessarily discourages alternative goals."[34] The government is free to advance its own permissible goals, including being against antisemitic discrimination as defined by a well-accepted standard. Doing so is not impermissible viewpoint discrimination.[35]

Fourth, the EO does not chill speech because there is no threat that the government will ever even investigate let alone bar any permissible speech of any kind. The EO directs those charged with enforcing Title VI to consider the IHRA definition only to help ascertain the motivation for discriminatory conduct, and not, as some would contend, as a substitute for either the applicable harassment standard (i.e. what counts as discriminatory conduct in the first place) or the applicable First Amendment speech analysis.

Fifth, for those who argue that it is hard to distinguish acts from speech, the EO does not create any new gray areas of overly broad speech/act non-distinction. It simply uses the longstanding definition of harassing conduct in Title IX and Title VI cases, a definition that has been upheld numerous times in a variety of cases and contexts. The standard, and therefore the EO, only affects conduct that is "sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school."[36] To the extent that speech is at all implicated, it is only for evidentiary purposes, i.e. to clarify what is considered discriminatory towards Jewish people within those contexts in which the law has declared discrimination unacceptable.

And finally, the EO has a savings clause, which specifically limits the use of the IHRA definition to fall within constitutional parameters.[37]

To summarize, the EO is clearly not overbroad or vague. Regarding overbreadth, as the Supreme Court of the United States emphasized in *Broadrick v. Oklahoma*,[38] declaring a regulation overbroad is "manifestly strong medicine," to be employed "sparingly and only as a last resort," and not in situations in which "a limiting construction has been or could be placed on the challenged statute."[39] The EO (like all similar policies) is limited to assessing intent for discriminatory conduct, not speech, and is to be constructed in a limited fashion, consistent with constitutional law. Regarding vagueness, as the Supreme Court explained in *Kolender v. Lawson* "the void-for-vagueness doctrine requires . . . sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement."[40] A policy using the IHRA definition to contextually assess the motivation behind

[34] *Id.* at 2246 (quoting Rust v. Sullivan, 500 U.S. 173, 194 (1991)).
[35] *See* Mark Goldfeder, *Stop Defending Discrimination: Anti-Boycott, Divestment, and Sanctions Statutes are Fully Constitutional*, 50 TEX. TECH. L. REV. 207, 219 (2018).
[36] Dear Colleague Letter from Russlynn Ali, *supra* note 29.
[37] 84 C.F.R. 68780 (Dec. 11, 2019), https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf.
[38] *See generally* Broadrick v. Oklahoma, 413 U.S. 601 (1973).
[39] *Id.* at 613; *see also* Parker, *supra* note 25 (describing other cases in which the Court refused to invalidate statutes for overbreadth, and instead applied limiting constructions).
[40] Kolender v. Lawson, 461 U. S. 352, 357 (1983).

potentially illegal discriminatory conduct before assuming it did or did not involve antisemitism provides just such definiteness and clarity. It uses the well-accepted and constitutionally upheld definition of discriminatory conduct used in all similar circumstances to reiterate that discriminatory antisemitic conduct is unacceptable. And it ensures that the application of the law will not be applied arbitrarily, by providing an objective and clear definition of what antisemitism is specifically for the purpose of *discouraging* the possibility of subjective enforcement.

Despite some pushback both domestically (described above) and internationally,[41] the IHRA antisemitism definition is gaining momentum on the world stage in a variety of important contexts. For example, since 2010, the United States Department of State has "used a working definition, along with examples, of antisemitism . . . ."[42] Both former President Trump (as discussed)[43] and President Biden[44] have endorsed IHRA's definition.

On June 1, 2017, the European Parliament "adopted with anonymity a first ever Resolution solely on combating antisemitism calling on Member States to 'appoint national coordinators on combating anti-Semitism' and 'to adopt and apply the working definition of anti-Semitism employed by the International Holocaust Remembrance Alliance (IHRA).'"[45] In the September 20, 2019, *Report of the Special Rapporteur on freedom of religion or belief*, the UN Special Rapporteur encouraged States to adopt IHRA's definition "for use in education and awareness-raising and for monitoring and responding to manifestations of antisemitism."[46] To date, about thirty-nine UN Member States have adopted or endorsed IHRA's definition.[47]

In addition to the above, various other "international organizations, national governments, municipalities, institutions, NGOs, universities, athletic clubs, corporations, and other groups have adopted the IHRA Working Definition of Antisemitism as the guiding framework for their policies

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[41] *HRW Leads NGO Campaign Against Consensus IHRA Definition of Antisemitism*, NGO MONITOR (Apr. 5, 2023), https://www.ngo-monitor.org/reports/ngo-campaign-against-ihra-definition-of-antisemitism/.
[42] *Defining Antisemitism*, U.S. DEP'T OF STATE, https://www.state.gov/defining-antisemitism/ (last visited Apr. 11, 2023).
[43] Donald Trump, *Executive Order on Combating Anti-Semitism*, WHITE HOUSE (Dec. 11, 2019), https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-anti-semitism/.
[44] Omri Nahmias, *US Accepts IHRA's Definition of Antisemitism, Biden Official Says AJC CEO David Harris Called McDonald's Remarks "a solid reaffirmation of American leadership in the global fight against antisemitism."*, JERUSALEM POST (Feb. 3, 2021), https://www.jpost.com/diaspora/antisemitism/jewish-org-welcome-us-support-for-ihra-definition-of-antisemitism-657621.
[45] *Key EU Documents: EU Resolutions, Conclusions and Other Documents Relevant in the Fight Against Antisemitism*, EUROPEAN COMM'N, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/combating-antisemitism/key-eu-documents_en#:~:text=The%20European%20Parliament%20adopted%20with%20anonymity%20a%20first,employed%20by%20the%20International%20Holocaust%20Remembrance%20Alliance%20%28IHRA%29 (last visited Apr. 11, 2023).
[46] *Elimination of all Forms of Religious Intolerance: Report of the Special Rapporteur on Freedom of Religion or Belief*, UNITED NATIONS (Sept. 20, 2019), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/289/00/PDF/N1928900.pdf.
[47] *Information on Endorsement and Adoption of the IHRA Working Definition of Antisemitism*, INT'L HOLOCAUST REMEMBRANCE ALL., https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism/adoption-endorsement (last visited Apr. 11, 2023).
See also, *Adoption of the Working Definition*, AM. JEWISH COMM., https://www.ajc.org/adoption-of-the-working-definition (last visited Apr. 11, 2023).

against antisemitism . . . ."[48]

Despite these significant and positive steps, antisemitism is still on the rise.[49] As such, if you or someone you know is suffering from antisemitic harassment or discrimination, please know that we have been providing free assistance and legal representation to people just like you for decades. If your rights are being violated in this area, please contact us at ACLJ.org/HELP.

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[48] *IHRA Working Definition of Antisemitism Worldwide Adoption & Endorsement Report*, COMBAT ANTISEMITISM MOVEMENT & CTR. FOR THE STUDY OF CONTEMP. EUR. JEWRY AT TEL AVIV UNI., https://combatantisemitism.org/wp-content/uploads/2022/05/CAM-IHRA-Definition-of-Antisemitism-Adoption-Endorsement-Report.pdf (last visited Apr. 11, 2023).

[49] Krystina Shveda, *Antisemitic Incidents in the US are at the Highest Level Recorded Since the 1970s*, CNN (Mar. 23, 2023), https://www.cnn.com/2023/03/23/us/antisemitism-report-unprecedented-rise-dg/index.html.