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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
San Jose Division

ANDREA PRICHETT, et al.,  
*Plaintiffs,*

v.

GAVIN NEWSOM, et al.,  
*Defendants.*

No. 5:25-cv-09443-NW

**AMERICAN COUNCIL FOR JUDAISM,  
ET AL.’S AMICUS BRIEF IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION**

**Date: December 17, 2025**

**Time: 9:00 am**

**Judge: Honorable Noël Wise**

**Ctrm: 3, 5th Floor**

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1 **AMERICAN COUNCIL FOR JUDAISM, ET AL.’S AMICUS BRIEF**  
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3 **I. IDENTITY AND INTEREST OF AMICUS CURIAE**

4 **The American Council for Judaism (“ACJ”)** is a national organization of American Jews  
5 founded in 1942 to articulate and preserve a universal, ethical, and religious understanding of  
6 Judaism, and to oppose all forms of Jewish nationalism. From its founding through the present, the  
7 ACJ has maintained that Judaism is a religious and/or cultural identity, not a nationality, and that  
8 Jewish safety and flourishing depend on democratic institutions, equality, and solidarity with all  
9 peoples rather than the political ideology of Zionism. The ACJ is currently engaged in a broad  
10 renewal of educational, religious, and communal programming that supports Jews seeking to practice  
11 Judaism free of nationalism, ethnocentrism, or state identification.

12 The ACJ provides public education, ritual resources, and community support for Jews across the  
13 United States who uphold justice, human dignity, and the equal rights of Palestinians and Israelis. Its  
14 constituencies include rabbis, educators, parents of California public school students, and many others  
15 who want their children and communities to learn openly about the full range of Jewish thought on  
16 Israel, Palestine, antisemitism, and Zionism. AB 715’s conflation of criticism of Israel and Zionism  
17 with antisemitism threatens to suppress the historic and ongoing anti-Zionist and anti-nationalist  
18 commitments that define the organization’s religious identity.

19 **Berkeley Jewish Families for Collective Liberation** (Berkeley Jewish Families) is an  
20 association of Jewish parents from Berkeley, California with about 100 members who came together  
21 out of concern for antisemitism, Islamophobia and anti-Arab racism. Berkeley Jewish Families rejects  
22 the notion that it makes Jewish students unsafe to learn about Palestine and rejects the false picture of  
23 Berkeley in the national media, designed to fuel a national right-wing attack on public education.  
24 Berkeley Jewish Families celebrates their Jewish students as part of a loving multicultural community  
25 with access to a rich and rigorous public school curriculum where they learn about American history,  
26 race, gender, and U.S. militarism. They maintain that learning about other minority communities, and  
27 building relationships of mutual support, is what keeps Jews safe.

1 **Beyt Tikkun Synagogue** is a Jewish renewal community of prayer, ritual, custom, and study. It  
2 integrates spiritual and prophetic consciousness with spiritual activism to create a more loving and  
3 just world. Beyt Tikkun is committed to freedom, justice and equality for the Palestinian people and  
4 all people, and has pledged to join others in working to end all support to Israel's apartheid regime,  
5 settler colonialism, and military occupation. Its members include parents of California public school  
6 students.

7 **IfNotNow Bay Area (INN)** is a movement of Jews in the Bay Area of California organizing the  
8 American Jewish community to end U.S. support for Israel's apartheid system. Its members advocate  
9 for equality, justice, and a thriving future for all Palestinians and Israelis. IfNotNow Bay Area  
10 believes in a vision of shared safety, where the safety of Jews is intertwined with the safety of other  
11 communities, including Palestinians. Its members include parents of California public school students.

12 **The International Jewish Anti-Zionist Network (IJAN)** is an international network of Jews  
13 who are uncompromisingly committed to struggles for human emancipation, of which they view the  
14 liberation of the Palestinian people and land as an indispensable part. They are committed to the right  
15 of return for Palestinian refugees and to ending Israeli colonization of historic Palestine. They view  
16 the State of Israel as betraying the long histories of Jewish struggles for liberation, not only for Jews  
17 but for all peoples. IJAN has many members in California, including educators and parents of  
18 students in California public schools.

19 **Rabbis for Ceasefire** is a group of over 430 rabbis and other Jewish clergy across political  
20 affiliations and denominations, formed in October 2023 in response to Israel's siege of Gaza. Using  
21 political and spiritual actions, rituals, and writings we have contributed to the Palestinian freedom  
22 movement, supporting an arms embargo, demanding an end to the starvation, scholasticide, and the  
23 destruction of Gazan society. It collaborates with Jewish left organizations here and in Israel, and also  
24 works with interfaith coalitions. Its goal is to practice a Judaism based on *teshuvah* (sacred repair) and  
25 transformation. Its members include parents and grandparents in California public schools who wish  
26 their children to learn the perspectives of Palestinians and diverse viewpoints on Israel and Palestine.

27 **Shomeret Shalom** is an educational program that teaches the history and practice of Jewish  
28 nonviolence. As such, it is a community which both supports transformational solidarity and practices

1 non-cooperation with militarism and unequal treatment of individuals as outlined in the Universal  
2 Declaration of Human Rights. It opposes all forms of apartheid, military occupation and pursue the  
3 goals of reparations, abolition and immigrant rights as laid out in Jewish tradition and international  
4 law. Shomeret Shalom's enrollees include educators and parents of students in California public  
5 schools.

6 Amici's members wish to teach and/or wish their children to learn and discuss multiple  
7 perspectives on historical and current events in Israel and Palestine in school, including the points of  
8 view of Palestinians, Jews and others with varying opinions on Israel, Palestine and Zionism, and  
9 reject the view that learning about the perspectives of Palestinians makes Jewish student unsafe. They  
10 submit this amicus brief in support of Plaintiffs' request for a preliminary and permanent injunction  
11 on enforcement of AB 715's amendments to California's Education Code because the passage of the  
12 bill has chilled, and enforcement of the bill would further chill, their members' freedom to teach,  
13 learn, discuss, and express their views about Palestine and the current and historic actions of the  
14 Israeli government, and indeed, to practice Judaism according to their values. AB 715's stifling of  
15 views and mandating that all Jews ascribe to one version of Judaism violates the rights to freedom of  
16 speech, against government establishment of religion, and to free exercise of religion, for amici's  
17 members and other Jews who are anti-Zionist, non-Zionist, or simply critical of the actions and  
18 policies of Israel's government -- and for whom advocating for safety and social justice for all peoples  
19 is a fundamental tenet of Judaism.

## 20 **II. STATEMENT OF FACTS**

21  
22 Amici adopt the Statement of Facts in Plaintiffs' Memorandum in Support of Motion for  
23 Preliminary Injunction and in Plaintiffs' Complaint.

## 24 **III. ARGUMENT**

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1                   **In Relying on the Biden Strategy, AB 715 Chills the Constitutional Rights to**  
2                   **Freedom of Speech and Freedom of Religion for Jews Who Are Critical of Israel**  
3                   **and Zionism, Violating Both the Establishment and Free Exercise Clauses.**

4           By specifying that the Biden National Strategy to Counter Antisemitism shall be a basis to inform  
5 the Antisemitism Prevention Coordinator on how to identify, respond to, prevent, and counter  
6 antisemitism, AB 715 advances a false and ahistoric equation of anti-Zionism and criticism of the  
7 State of Israel with antisemitism. In so doing, it serves a pro-Israel, anti-Palestinian, anti-free speech  
8 political agenda, mandates one particular version of Judaism, and ultimately impedes the fight against  
9 antisemitism rather than protecting Jewish students or addressing other forms of discrimination and  
10 hate.

11                   **A. Jews Have Always Held Widely Varying Views on Zionism, Israel and Palestine.**

12  
13           The Biden National Strategy is based on “an unshakable commitment to the State of Israel’s right  
14 to exist, its legitimacy, and its security” and what it characterizes as “the deep historical, religious,  
15 cultural, and other ties many American Jews and other Americans have to Israel.” ([White House, The](#)  
16 [U.S. National Strategy to Combat Antisemitism \(May 2023\)](#), p. 11 [<https://perma.cc/52F5-7C6X>]  
17 (last visited Dec. 9, 2025). It invokes as “the most prominent” definition, the International Holocaust  
18 Remembrance Association (IHRA) definition of antisemitism. (*Id.* at p. 13.) While the IHRA core  
19 definition makes no explicit mention of Israel, it notes that antisemitism “might include the targeting  
20 of the state of Israel, conceived as a Jewish collectivity”, and many of the examples of purported  
21 antisemitism it provides have been applied to criticism of Israel, as further explained below.

22           Criticizing the Israeli government or being anti-Zionist are political beliefs and are not equivalent  
23 to antisemitism, hatred or discrimination against Jews. Many Jews have rejected Zionism since its  
24 inception in the late 19th Century. Some strands of Ultra-Orthodox Judaism oppose Zionism from a  
25 religious standpoint, believing that Jewish people are prohibited by God from reclaiming sovereignty  
26 in the Land of Israel until the arrival of the Messiah. In the early 20th century, other Jews, while self-  
27 identified as Zionists, advocated for a binational, Jewish and Palestinian, political entity, or for Jewish  
28 self-rule outside of Palestine. Many other Jews were anti-Zionist, such as the Labour Bund, a

1 dominant socialist Jewish movement that originated in Eastern Europe during the early 20th century,  
2 and the (predominately Jewish) Palestine Communist Party. *Itamar Mann and Lihi Yona, Defending*  
3 *Jews from the Definition of Antisemitism*, 71 *UCLA L. Rev.* 1150, 1191 (2024)  
4 <[https://www.uclalawreview.org/wp-content/uploads/securepdfs/2024/12/05-Mann-Yona-No-](https://www.uclalawreview.org/wp-content/uploads/securepdfs/2024/12/05-Mann-Yona-No-Bleed-2.pdf)  
5 [Bleed-2.pdf](https://www.uclalawreview.org/wp-content/uploads/securepdfs/2024/12/05-Mann-Yona-No-Bleed-2.pdf)>.

6 As Pulitzer Prize winning historian Benjamin Moser put it,

7 Before World War II, Zionism was the most divisive and heatedly debated issue in the  
8 Jewish world. Anti-Zionism had left-wing variants and right-wing variants — religious  
9 variants and secular variants — as well as variants in every country where Jews  
10 resided. For anyone who knows this history, it is astonishing that... opposition to  
11 Zionism has been equated with opposition to Judaism — and not only to Judaism, but  
12 to hatred of Jews themselves. But this conflation has nothing to do with history.  
13 Instead, it is political, and its purpose has been to discredit Israel’s opponents as  
14 racists.

15 Benjamin Moser, *Anti-Zionism isn’t the same as antisemitism. Here’s the history*, *Wash. Post* (Jan. 2,  
16 2024), [https://www.washingtonpost.com/opinions/2024/01/02/anti-zionism-antisemitism-israel-jews-](https://www.washingtonpost.com/opinions/2024/01/02/anti-zionism-antisemitism-israel-jews-came-first/)  
17 [came-first/](https://www.washingtonpost.com/opinions/2024/01/02/anti-zionism-antisemitism-israel-jews-came-first/).

18 Zionism remained highly controversial among Jews after the Holocaust. When Israel was founded  
19 in 1948, many Jews were horrified by the violent displacement of 700,000 Palestinians. “For these  
20 [Jews], the lesson of antisemitism was a rejection of all forms of racism, and especially of the kinds of  
21 atrocities that had been visited upon the Jews. They were dismayed that another people, one that bore  
22 no responsibility for the Nazi crimes, would be forced to pay for them. And their commitment to  
23 universalism brought them into conflict with the Jewish state.” Moser, *supra*. At the same time, “post-  
24 WWII antisemitism created a link between Judaism and Zionism. For Nazis and Christian Evangelical  
25 antisemites, anti-Jewish and anti-Zionist speech was one and the same.” Mann and Yona, *supra*, 71  
26 *UCLA L. Rev.* at 1164, citing *Terminiello v. City of Chicago*, 337 U.S. 1 (1949) and *People v. Huss*,  
27 241 Cal. App. 2d 361 (1966).

28 As increasingly right-wing Israeli governments reject the possibility of a Palestinian state, anti-  
Zionism has increased among Jews and non-Jews. Moser, *supra*; and see Mann and Yona, *supra*, at pp.  
1192–1193. Public opinion among American Jews has increasingly shifted as a result of Israel’s

1 onslaught in Gaza, now widely recognized as a genocide.<sup>1</sup> A recent Washington Post poll found that  
 2 61 percent of American Jews say Israel has committed war crimes and about 4 in 10 say Israel is  
 3 guilty of genocide against the Palestinians. Bendavid, Clement and Guskin, *Many American Jews*  
 4 *sharply critical of Israel on Gaza, Post poll finds* (Oct. 6, 2025) [https://www.washingtonpost.com/](https://www.washingtonpost.com/politics/2025/10/06/jewish-americans-israel-poll-gaza/)  
 5 [politics/2025/10/06/jewish-americans-israel-poll-gaza/](https://www.washingtonpost.com/politics/2025/10/06/jewish-americans-israel-poll-gaza/). Even staunch Zionists have become critical of  
 6 the Israeli government’s actions. For example, in August 2025, more than 80 Orthodox rabbis,  
 7 including chief rabbis past and present of several countries, signed a statement urging Israel to address  
 8 the dire humanitarian situation in Gaza and condemn settler violence in the West Bank, even while  
 9 declaring themselves “some of Israel’s most devoted supporters”. Rabbi Yosef Blau, *A Call for*  
 10 *Moral Clarity, Responsibility, and a Jewish Orthodox Response in the Face of the Gaza*  
 11 *Humanitarian Crisis* (2025) <http://www.toratchayimrabbis.org/gazahumanitariancrisis.html>  
 12 [<https://perma.cc/8G6F-W4KX>](last visited Dec. 9, 2025).

13  
 14 **B. The Biden Strategy and IHRA Definition Falsely Equate Criticism of Israel or**  
 15 **anti-Zionism with Antisemitism.**

16 IHRA developed its definition in 2016 as a “non-legally binding working definition of  
 17 antisemitism”, to guide research and validation of data that IHRA would use in its educational work.

18  
 19 <sup>1</sup> See, e.g., *Def. for Child. Int’l-Palestine v. Biden*, 714 F. Supp. 3d 1160, 1163 (N.D. Cal.  
 20 2024)(“[T]he current treatment of the Palestinians in the Gaza Strip by the Israeli military may  
 21 plausibly constitute a genocide in violation of international law.”); United Nations Human Rights  
 22 Council, *Legal Analysis of the conduct of Israel in Gaza pursuant to the Convention on the*  
 23 *Prevention and Punishment of the Crime of Genocide*, (Sept. 16, 2025), [https://perma.cc/](https://perma.cc/W3MP-3FEH)  
 24 [W3MP-3FEH](https://perma.cc/W3MP-3FEH) (Israel has committed genocide in Gaza, says U.N. Commission of Inquiry);  
 25 International Association of Genocide Scholars, IAGS Resolution on the Situation in Gaza (Aug. 31,  
 26 2025), <https://perma.cc/AW2A-TUQJ>(“Israel’s policies and actions in Gaza meet the legal definition  
 27 of genocide”); Physicians for Human Rights Israel (PHRI), *Destruction of Conditions of Life: A*  
 28 *Health Analysis of the Gaza Genocide*, <https://perma.cc/T46G-PRA2> ; B’Tselem, *Our Genocide* (Jul.  
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*Gaza of Water* (Dec. 19, 2024), <https://perma.cc/3QZL-JFCK> ; Médecins Sans Frontières (MSF)  
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 Francesca Albanese, *Anatomy of a Genocide: Report of the Special Rapporteur on the situation of*  
*human rights in the Palestinian territories occupied since 1967* (Jul. 1, 2024), [https://perma.cc/](https://perma.cc/N4Z4-FUTJ)  
[N4Z4-FUTJ](https://perma.cc/N4Z4-FUTJ).

1 <https://holocaustremembrance.com/resources/working-definition-antisemitism> [<https://archive.ph/B2phU>] (last visited Nov. 13, 2025). However, the IHRA definition has often been used to wrongly  
2 label criticism of Israel as antisemitic, and thus try to suppress non-violent protest, activism and  
3 speech critical of Israel and/or Zionism.  
4

5 In fact, the main drafter of the IHRA definition, Kenneth Stern, has made clear that the definition  
6 was not intended to have the force of law or to silence speech. Stern himself expressed concern about  
7 institutional adoption of the definition because it had been used as “a blunt instrument to label anyone  
8 an antisemite.” [Human Rights Watch, \*Human Rights and other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism\*, Joint Letter to UN Secretary-General António Guterres and Under Secretary-General Miguel Ángel Moratinos by 104 Civil Society Organizations \(2023\)](#) <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human> [<https://perma.cc/FR2Z-7DB2>] (last visited Dec. 9,  
9 2025); [Kenneth Stern, \*I drafted the definition of antisemitism. Rightwing Jews are weaponizing it\*, The Guardian, U.S. Ed. \(13 Dec 2019\)](#) <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>.  
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16 The IHRA attached eleven ‘contemporary examples of antisemitism’ to its definition - seven of  
17 which refer to the state of Israel. One such example involves “claiming that the existence of a State of  
18 Israel is a racist endeavor”. Others are “applying double standards by requiring of [Israel] a behavior  
19 not expected or demanded of any other democratic nation” and “Drawing comparisons of  
20 contemporary Israeli policy to that of the Nazis.” These examples are often interpreted as allowing the  
21 penalization of legitimate speech and activism by critics of Israel’s human rights record and advocates  
22 for Palestinian rights. The targets of accusations of antisemitism based on the IHRA definition have  
23 included university students and professors, grassroots organizers, human rights and civil rights  
24 organizations, humanitarian groups and members of the US Congress, who either document or  
25 criticize Israeli policies and who speak in favor of Palestinian human rights. [Human Rights Watch Joint Letter, supra](#).  
26

27 Proponents of the IHRA definition argue that national identity embodied in the State of Israel  
28 constitutes a meaningful part of what it means to be Jewish, including for Jewish Americans. But

1 Israeli legal scholars Itamar Mann and Lihi Yona explain, “[A] strong ideological objection to an  
2 identity-based practice due to its harm to others is not proof of animus towards that identity.” *Mann*  
3 *and Yona, supra*, 71 UCLA L. Rev. at pp. 1172–1173. “Describing criticism of Israel as an attack on  
4 Jews .... utilizes identity politics to transcend political disagreements around Israel, giving the  
5 country a free pass from scrutiny, and diverting attention from its victims.” *Id.*, 1174.

6 Moreover, many Jews do not identify with Israel, and some are opposed to its existence as a  
7 Jewish state. For example, amicus IJAN opposes Zionism and the State of Israel, which it views as  
8 colonialist, racist and antisemitic. *Charter of the International Jewish Anti-Zionist Network (2015)*  
9 <https://ijan.org/2015/02/17/charter/> [<https://perma.cc/EHX6-THP7>] (last visited Dec. 9, 2025).

10 Amicus American Council for Judaism “rejects the conflation of Judaism with nationalism, and  
11 dismisses the concept that there could possibly exist a singular, monolithic Jewish voice on the  
12 subject at all.” It views “equat[ing] Jewish identity with loyalty to a foreign state... antithetical to the  
13 Jewish communal legacy of dissent, debate, and democratic participation. It heretically likens  
14 Zionism, a modern nationalist movement, to Torah, the core essence of Judaism. It echoes antisemitic  
15 views which conflate all Jews with the state of Israel, and essentialize all Jews into a singular political  
16 force.” Rabbi Andru J. Kahn, *Jews differ on both Zionism and Mamdani (2025)* [https://acjna.org/](https://acjna.org/articles/jews-differ-on-both-zionism-and-mamdani/)  
17 [articles/jews-differ-on-both-zionism-and-mamdani/](https://perma.cc/4AM8-6AJH) [<https://perma.cc/4AM8-6AJH>] (last visited Dec.  
18 9, 2025).

19 A second argument by proponents of the IHRA definition is that due to antisemitism,[] Israel is  
20 subject to hyper-scrutiny of its human rights violations compared to other countries’. However, there  
21 are legitimate reasons for the attention on Israel, namely, Israel’s egregious policies and actions  
22 against Palestinian people, and the fact that the United States has been providing billions of dollars in  
23 military assistance to Israel annually. Many Jews feel compelled to object to its actions and clarify  
24 that Israel does not represent them. “Many Jewish progressives are expressing their Jewish  
25 commitment to social justice through the focus on Israel and its failure to uphold basic standards of  
26 human rights.” *Mann and Yona, supra*, 71 UCLA L. Rev. at pp. 1174–1175.

27 Courts have rejected attempts to equate anti-Zionism with anti-semitism. The First Circuit  
28 “decline[d]... to hold that... protestors’ speech constituted antisemitic harassment actionable under

1 Title VI merely because it was stridently pro-Palestinian and anti-Zionist.” *Stand With US Ctr. for*  
2 *Legal Just. v. Massachusetts Inst. of Tech.*, 158 F.4th 1, 19 (1st Cir. 2025). “Plaintiffs are entitled to  
3 their own interpretive lens equating anti-Zionism (as they define it) and antisemitism. But it is another  
4 matter altogether to insist that others must be bound by plaintiffs’ view.” *Id.* at 16. The Court also  
5 rejected “plaintiffs’ implicit contention that the choice to criticize Israel’s actions in Gaza -- rather  
6 than, for example, choosing to criticize some other alleged atrocity elsewhere in the world --  
7 necessarily manifests antisemitism. Political advocacy, by its nature, involves a choice to focus on  
8 certain issues or causes over others. Title VI does not preclude the protestors, U.S. university students,  
9 from responding to the headlines by choosing Israel as their target, particularly given the protestors’  
10 perception of the significant role played by the United States and U.S.-supplied arms in the conflict  
11 between Israelis and Palestinians.” Nor did the Court find that accusing Israel of genocide was  
12 antisemitic, observing that even prominent Israelis had lodged the same accusation. *Id.* at pp. 18–19.  
13 A district court recently observed similarly that incorporating the IHRA definition in Executive  
14 Orders encompassed core [First Amendment](#) speech and expressive conduct and resulted in  
15 intentionally viewpoint-discriminatory enforcement. *Am. Ass’n of Univ. Professors v. Rubio*, No. CV  
16 [25–10685-WGY](#), 2025 WL 2777659, at \*48–50 (D. Mass. Sept. 30, 2025).

17 Other courts have held similarly. *Landau v. Corp. of Haverford Coll.*, 780 F. Supp. 3d 548, 555  
18 (E.D. Pa. 2025) [“I reject Plaintiffs’ embedded proposition that any anti-Israel speech is intrinsically  
19 antisemitic, because reasonable people acting in good faith can challenge decisions of the Israeli  
20 government without harboring antisemitic views.”]; *Canel v. Art Inst. of Chicago*, No. 23 CV 17064,  
21 [2025 WL 564504](#), at \*8 (N.D. Ill. Feb. 20, 2025) [“[T]he Court cannot ... conclude that the banners  
22 and flyers” which “reflect[ed] political points of view critical of the Israeli government,” “represent  
23 discriminatory harassment of plaintiff on the ground of her Jewish or Israeli identities”]. And a court  
24 held that public universities’ adoption of the IHRA definition of antisemitism in their speech policies  
25 constituted impermissible viewpoint discrimination that chilled speech in violation of the [First](#)  
26 [Amendment](#), because the definition incorporated the IHRA’s examples, prohibiting “calling the State  
27  
28

1 of Israel a racist endeavor” and “drawing comparisons of contemporary Israeli policy to that of the  
 2 Nazis” regardless of whether the speech was disruptive. *Students for Just. in Palestine, at Univ. of*  
 3 *Houston v. Abbott*, 756 F. Supp. 3d 410, 425–427 (W.D. Tex. 2024).

4 **C. By Equating Anti-Zionism with Antisemitism, AB 715 Harms Jews and Chills**  
 5 **Freedom of Speech and Religion for Non-Zionist Jews and Those Who Oppose**  
 6 **Israel’s Treatment of Palestinians.**

7 **1. The IHRA definition, and by extension AB 715, hinder rather than help the**  
 8 **fight against antisemitism.**

9 The new antisemitism definition separates antisemitism from other forms of bigotry, cutting ties  
 10 between American Jews and other racial, ethnic, and religious minorities fighting jointly against  
 11 discrimination and white supremacy by reconfiguring antisemitism as distinct from racial and  
 12 religious animus. [Mann and Yona, supra, 71 UCLA L. Rev. at 1186](#). Pointing out that proponents of  
 13 the definition include the Trump administration, the far right Hungarian government of Viktor Orbán,  
 14 and the Holocaust revisionist Polish government, the Diaspora Alliance explains that “Proponents of  
 15 the IHRA definition have used it to reframe legitimate criticism of well-documented Israeli state  
 16 violence against Palestinians as anti-Jewish bigotry, and in so doing, to silence critics of the State of  
 17 Israel and of Zionism. This campaign has taken precedence over advancing the fight against actual  
 18 antisemitism at a time of rising right-wing extremism around the globe.” [Diaspora Alliance,](#)  
 19 [Explainer: Arguments Against the IHRA Definition \(2023\) https://diasporaalliance.co/wp-content/uploads/2023/11/IHRA-Explainer-and-Messaging.pdf \[https://perma.cc/9VTW-HW6T\]](#) (last visited  
 20 [June 13, 2024](#)). The IHRA definition’s conflation of antisemitism with speech on Palestine, and its  
 21 lack of concrete examples of actual antisemitic speech and imagery, are hampering efforts to advance  
 22 broad literacy around antisemitism and how to identify it. Codifying the IHRA definition in contexts  
 23 where existing laws already protect Jews against antisemitism, as here in California, is not only  
 24 unnecessary, but threatens to both undermine the existing, inclusive set of protections, and to fuel  
 25 antisemitic ideas among other targeted groups about Jews receiving special treatment from  
 26 governments. “Meaningfully combating antisemitism must include both fighting its impact on Jews  
 27 and fighting its sibling evils: racism, Islamophobia, xenophobia, and ethnonationalism, and  
 28

1 addressing the underlying conditions, such as economic inequality, that fuel these harmful  
2 conspiracies. The popularity of the IHRA definition among far-right government actors directly harms  
3 this goal.” *Id.*

4  
5 **2. AB 715 unlawfully impinges on freedom of religion as well as freedom of**  
6 **speech for Amici and other non-Zionist Jews.**

7 Through its incorporation of the Biden Strategy and creation of mechanisms that invite pro-Israel  
8 officials, private individuals and groups to take action against educators who mention Palestinian  
9 viewpoints, AB 715 harms Jews who are anti-Zionist or who oppose Israel’s actions in Gaza, by  
10 restricting the viewpoints they can express and hear, and the way they can express their Judaism. This  
11 violates non-Zionist Jews’ [First Amendment](#) rights, including their rights under the Establishment  
12 Clause, to free exercise of religion and freedom of speech.

13 The [First Amendment](#) Establishment Clause mandates governmental neutrality between religion  
14 and religion, and between religion and nonreligion. *McCreary Cnty., Ky. v. Am. C.L. Union of Ky.*,  
15 [545 U.S. 844, 860 \(2005\)](#), and cases cited therein. Religious choice is the prerogative of individuals  
16 under the Free Exercise Clause. *Id.* at 875–876. Government may not establish “any particular sect of  
17 [Jews], in exclusion of all other Sects”. *Engel v. Vitale*, [370 U.S. 421, 436 \(1962\)](#).

18 “One aspect of anti-semitism or, indeed, of any form of racism is that an entire people is falsely  
19 and summarily equated with a particular position, view or disposition. To say that all Jews hold a  
20 given view on Israel or are adequately represented by Israel or, conversely, that the acts of Israel, the  
21 state, adequately stand for the acts of all Jews, is to conflate Jews with Israel and, thereby, to commit  
22 an anti-semitic reduction of Jewishness.” *Judith Butler, No, It’s Not Anti-Semitic*, [25 London Rev.](#)  
23 [Books \(2003\)](#), <https://www.lrb.co.uk/the-paper/v25/n16/judith-butler/no-it-s-not-anti-semitic>  
24 [\[https://perma.cc/E28V-K6K2\]](https://perma.cc/E28V-K6K2) (last visited Aug. 8, 2024).

25 Similarly, Israeli law professors Itamar Mann and Lihi Yona argue that while “antisemitism is  
26 often weaponized against Palestinians and their liberation struggle,” there is “an additional layer of  
27 harm, imposed upon U.S. Jews” by adoption of the IHRA definition, in that “the broadening of the  
28 definition of antisemitism has resulted in a narrowing of Jewish identity and a delegitimization of

1 anti-Zionist and non-Zionist Jewish communities. Constructing Jewish identity along rigid and fixed  
2 lines, the contemporary legal definition of antisemitism imposes upon Jews a straitjacket of Zionism.”  
3 [Mann & Yona, supra, 71 UCLA L. Rev. at p. 1151](#). Mann and Yona explain that the historic genesis of  
4 the conflation of anti-Zionism with antisemitism lies in early 20th century antisemitism and Nazism.  
5 “By endorsing a definition of antisemitism that inexorably links Jewish identity with Israel, the IHRA  
6 definition has followed these classical antisemitic premises.” [Id. at p. 1175](#). Rather than protecting  
7 Jews, those advancing the IHRA definition “aim to shield the state of Israel from criticism and  
8 prevent the success of emancipatory Palestinian agendas, such as the establishment of an independent  
9 Palestinian state.” [Id. at 1176](#). Amicus IfNotNow says, “By depicting the Israeli government and  
10 military as the representative of all Jews, and Palestinians and those who stand up for their human  
11 rights as the great threat facing us, western leaders have evaded accountability for their own  
12 antisemitic violence, and exploited our trauma for their own benefit.” [IfNotNow, Our Core Story,](#)  
13 <https://www.ifnotnowmovement.org/our-core-story> [<https://perma.cc/9ULA-PDCS>] (last visited Dec.  
14 9, 2025).

15 For many Jews, such as amici’s members, criticism of Israel is an essential part of their Jewish  
16 identity. In their view, the biblical verse, “And God created humankind in the divine image, creating it  
17 in the image of God—creating them male and female” (Genesis 1:27) reflects the principle of the  
18 inherent value of all human life, and compels them to expose and stop violations of Palestinians’  
19 human rights. See, e.g., [B’Tselem – The Israeli Information Center for Human Rights in the Occupied](#)  
20 [Territories, https://www.btselem.org/about\\_btselem](#) [<https://perma.cc/YN5R-XU23>] (last visited Dec.  
21 9, 2025).

22 The Orthodox rabbis’ statement similarly invokes this core Jewish religious tenet. The rabbis  
23 declared that “Orthodox Jewry, as some of Israel’s most devoted supporters, bears a unique moral  
24 responsibility. We must affirm that Judaism’s vision of justice and compassion extends to all human  
25 beings. Our tradition teaches that every person is created b’tzelem Elokim—in the Divine image. We  
26 are the spiritual descendants of Avraham, chosen to walk in the path of Hashem, “to do righteousness  
27 and justice” (Bereshit 18:19). Allowing an entire people to starve stands in stark contrast to this  
28 teaching.” [Blau, A Call for Moral Clarity, supra. Author Rabbi Blau](#), recently retired as leading rabbi

1 at Yeshiva University’s Rabbi Isaac Elchanan Theological Seminary, explained that “My support of  
2 Israel and Zionism stems from my commitment to Judaism. A non-critical loyalty is contradictory to  
3 the introspection fundamental to Judaism.” *Cramer, 80 Modern Orthodox rabbis urge ‘moral clarity’*  
4 *in face of Gaza humanitarian crisis* Times of Israel (20 Aug. 2025) [https://www.timesofisrael.com/](https://www.timesofisrael.com/80-modern-orthodox-rabbis-urge-moral-clarity-in-face-of-gaza-humanitarian-crisis/)  
5 [80-modern-orthodox-rabbis-urge-moral-clarity-in-face-of-gaza-humanitarian-crisis/](https://www.timesofisrael.com/80-modern-orthodox-rabbis-urge-moral-clarity-in-face-of-gaza-humanitarian-crisis/).

6 Jewish values of social justice and *Tikkun Olam* [*repairing the world through kindness and social*  
7 *and political action*], as well as the Jewish history of oppression, and the fact that violence is inflicted  
8 on Palestinians in their name, propel amici and many other Jews to speak out. *Mann & Yona, 71*  
9 *UCLA L. Rev.* 1150, 1193; *Ella Ben Hagai and Eileen L. Zurbruggen, Between Tikkun Olam and Self-*  
10 *Defense: Young Jewish Americans Debate the Israeli-Palestinian Conflict, Journal of Social and*  
11 *Political Psychology, Vol 5(1) (2017)* [students who support anti-Zionist movements invoke  
12 rootedness in deep connections to Jewish tradition, Jewish identity, and Jewish education, including  
13 with the values of *tikkun olam* and a Jewish commitment to social justice]; and see Rabbis for  
14 Ceasefire, framing their mission to stop the killing in Gaza in terms of core Jewish values.  
15 <https://rabbis4ceasefire.com/about/> [<https://perma.cc/C46W-Y6FD>] (last visited Dec. 9, 2025).

16 Clearly, many Jews do not ascribe to the narrow view of Judaism advocated in the Biden Strategy  
17 and IHRA definition. This legislative mandating of a single type of Judaism is the “government  
18 control of religion” that the *First Amendment* “tried to put an end to . . . [when] it was written to  
19 quiet well-justified fears . . . that governments of the past had shackled men’s tongues to make them  
20 speak only the religious thoughts that government wanted them to speak and to pray only to the God  
21 that government wanted them to pray to.” *Engel v. Vitale, 370 U.S. at 435.*

22 For amici’s members, the desire to teach and for their children to learn the perspective of  
23 Palestinians and to connect the struggle against antisemitism with struggles against racism and other  
24 forms of oppression is as much at the core of their Jewish identity and values as identification with  
25 Israel is for some other Jews. Thus, AB 715 mandates a specific belief system, and a fallacious view  
26 of antisemitism, that run afoul of the *First Amendment*.

**CONCLUSION**

Enforcement of AB 715 would chill, and the passage of the bill into law has already chilled, the freedom of amici’s members to teach, learn, discuss, and practice Judaism in accordance with their values, violating their rights to freedom of speech, freedom of religion and against government establishment of religion. Accordingly, amici join the plaintiffs in urging the Court to enjoin the Government from enforcing AB 715.

Respectfully submitted,

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By: /s/ Rachel Lederman

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Beyt Tikkun Synagogue; IfNotNow Bay  
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Shalom