

Date of Hearing: June 23, 2015

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SCR 35 (Stone) – As Amended May 6, 2015

**SENATE VOTE:** 35-0

**SUBJECT:** Anti-Semitism

**SUMMARY:** Urges the University of California (UC) to condemn anti-Semitism and racism, including Islamophobia and expresses the Legislature's condemnation of anti-Semitic acts at all publically funded schools in California. Specifically, **this bill:**

1) Finds all of the following:

- a) The United States Department of State defines anti-Semitism as “a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”;
- b) There is clear evidence of increasing and alarming incidents and expressions of anti-Semitism throughout the world;
- c) From sea to shining sea one can witness the proliferation of anti-Semitic activity;
- d) In February of 2015, the California Legislature’s Jewish Caucus held a press conference addressing anti-Semitic acts and in the same week an estimated 500 people gathered on the steps of the State Capitol to protest the recent rise in anti-Semitic acts occurring across the nation, including the display of the Nazi swastika symbol superimposed onto an American flag that was hung in the front of a private home in Sacramento’s River Park neighborhood, which tarnished the reputation of the Golden State;
- e) Swastikas and other anti-Semitic sentiments have increased in recent months on college campuses across the country and around the world;
- f) In 2014, the kinds of recorded anti-Semitic acts committed in the United States and around the world included murders; violent attacks and death threats against Jews; arson, graffiti, and property desecration; and murders at Jewish cemeteries, places of worship, schools, and community events;
- g) These types of anti-Semitic acts also extended to soccer stadiums, the Internet, editorial cartoons, and the use of Nazi salutes, leading many Jewish individuals to conceal their religious and ethnic identity;
- h) In April of 2014, the United States Department of State released the International Religious Freedom Report recognizing that anti-Semitism continues to be internationally prevalent;

- i) The governments of France, Germany, Italy, and the United Kingdom, the four countries where the majority of anti-Semitic incidents have occurred in Europe, have strongly condemned anti-Semitism as unacceptable in European society and have all made clear statements that such attacks on their Jewish communities are intolerable;
  - j) The State of California actively promotes tolerance to all faiths and religions;
  - k) The United States government has played an essential role in counteracting the resurgence of anti-Semitism worldwide and has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and participation in international organizations such as the United Nations, the Organization for Security and Co-operation in Europe, and the Organization of American States; and,
  - l) The Legislature joins with people everywhere in unequivocally condemning all forms of anti-Semitism and rejecting attempts to justify anti-Jewish hatred or violent attacks as an acceptable expression of disapproval or frustration over political events in the Middle East or elsewhere.
- 2) Resolves all of the following:
- a) The Legislature urges each UC campus to adopt a resolution condemning all forms of anti-Semitism and racism, including Islamophobia;
  - b) The Legislature condemns any act of anti-Semitism at all publicly funded schools in the State of California in order to promote tolerance and acceptance of all religious beliefs in accordance with the rights afforded to each person by the Founding Fathers of this nation and the authors of the United States Constitution; and,
  - c) Nothing in this resolution is intended to diminish the rights of anyone, including students, to freely engage in any speech or other activity protected by the United States Constitution.

**FISCAL EFFECT:** None.

**COMMENTS:** *Purpose of this resolution.* According to the author, "this resolution seeks to condemn the rise of Anti-Semitism that has been seen across the State, not to mention, around the world. Within the last couple months, we have seen a home in Sacramento proudly displaying a Nazi swastika on top of an American Flag. In our state, we have seen displays of swastika and acts of Anti-Semitism on our campuses. Across the world, there has been an increase in threats against Jewish people. Just last year, in April, the U.S. Department of State released the International Religious Freedom Report, recognizing that anti-Semitism continues to be internationally prevalent." According to the author, "by stating that the Legislature take a strong stand against the recent acts of Anti-Semitism, and urging UC campuses to do the same, this resolution sends a strong message that California will not tolerate this behavior, while fully protecting the rights of free-speech."

*Anti-Semitism as it relates to the State of Israel.* This resolution references the U.S. Department of State definition of anti-Semitism. According to the U.S. State Department's website that defines anti-Semitism, examples of ways in which anti-Semitism manifests itself with regard to

the state of Israel include demonizing Israel ("drawing comparisons between Israeli policy to that of the Nazis"), establishing a double-standard for Israel ("multilateral organizations focusing on Israel only for peace or human rights investigations"), and delegitimizing Israel ("denying the Jewish people their right to self-determination, and denying Israel the right to exist"). The U.S. State Department's website also states that "criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic."

The AMCHA Initiative, along with other supporters of this resolution, argues "on many occasions anti-Semitic incidents and behavior at UC have been correlated with anti-Israel events and campaigns, particularly those associated with the Boycott, Divestment, and Sanctions (BDS) movement." AMCHA notes that identifying anti-Semitic activity by invoking the U.S. State Department's definition "recognizes the varieties of anti-Semitic expression that Jewish students are actually experiencing on their campuses."

Several organizations, including the California Faculty Association have expressed concern regarding the definition contained in this resolution. Jewish Voice for Peace argues "the resolution's reference to the State Department definition of anti-Semitism will be used by proponents to stigmatize advocacy for Palestinian rights, and particularly campus campaigns to divest from corporations that profit from Israel's occupation and violations of international law."

*Requested amendments.* As previously outlined, several organizations have expressed concern with two sections of this resolution and the potential implications on campus political speech and advocacy. These organizations have requested the following amendments:

Page 1, Lines 1-6: Reference a standard dictionary definition of anti-Semitism:

*WHEREAS, The United States Department of State defines Anti-Semitism is defined as hostility toward or discrimination against Jews as a religious, ethnic, or racial group; "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; and*

Page 3, Lines 18-21: Clarify legal rights regarding political speech and activities:

*Resolved, That nothing in this resolution is intended to diminish the rights of anyone, including students, to freely engage in any speech or other activity protected by the United States Constitution, including that which is critical or supportive of the policies of any country; and be it further*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

AMCHA Initiative  
 Alpha Epsilon Pi Fraternity  
 American Association of Jewish Lawyers and Jurists  
 American Federation of State, County and Municipal Employees  
 American Jewish Federation in Los Angeles

Bruins for Israel  
California Conference Board of the Amalgamated Transit Union  
California Conference of Machinists  
California Teamsters Public Affairs Council  
Endowment for Middle East Truth  
Engineers & Scientists of CA, IFPTE Local 20, AFL-CIO  
Hasbara Fellowships  
International Longshore and Warehouse Union  
Israeli-American Council  
Israel Christian Nexus  
Louis D. Brandeis Center for Human Rights Under Law  
The Lawfare Project  
Proclaiming Justice to the Nations  
Professional & Technical Engineers, IFPTE Local 21, AFL-CIO  
Stand with Us  
Students and Parents Against Campus Anti-Semitism  
The Israel Group  
Training and Education About the Middle East  
UNITE-HERE, AFL-CIO  
Utility Workers Union of America  
Zionist Organization of America

**Opposition**

California Faculty Association  
Center for Constitutional Rights  
Jewish Voice for Peace  
National Lawyers Guild  
Palestine Legal  
Physicians for Social Responsibility

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