

Lawsuits are Key to Fighting Antisemitism



by Phyllis Chesler

For the last 20 years, many of us have been documenting the overwhelming rise of hostility on American campuses towards [Israel](#), Jewish students and professors who do not toe the party line.

The [hostility](#) seems to be based on the extraordinary effectiveness of long-term [propaganda](#) online, in mass media, at the United Nations, among NGOs, in [textbooks](#) about anti-racism (which do not include [Muslim Jew-hatred](#)), in countless campus-wide spectacles such as Israel Apartheid Week and BDS campaigns, biased curriculum, textbooks on prejudice (which do not include Jew-hatred in general), well-funded anti-Israel speakers and extraordinarily vulgar and vicious rhetoric

against Israel and Jewish students from both activists and [professors](#).

How does one dismantle Big Lies that are believed to be living truth? How does one open minds—if not hearts—when reason no longer prevails and “free speech” is expressed by shouting, rioting, overwhelming the platform and trying to hold speakers hostage, when chaos is utilized to eliminate opposing ideas?

One way is by bringing lawsuits that demand an end to such sub-par education and that the documented humiliation, harassment and persecution of Jewish students and professors be remedied.

I reviewed ten such lawsuits brought from 2018-2023 by the American Center for Law and Justice (City University of New York, 2022); the Louis D. Brandeis Center for Human Rights Under Law (University of Southern California, 2020, the University of Vermont, 2021 and SUNY New Paltz, 2022), StandWithUs (University of California Los Angeles, 2020, Hunter College (CUNY), 2021 and George Washington University, 2023), student Sasha Westrick (Temple University, 2022), the law firm Winston & Strawn, LLP and the Lawfare Project (San Francisco State University, 2018) and private attorneys Joel Siegel and Neal M. Sher (New York University, 2019).

The grounds for the lawsuits were diverse: Students being expelled or refused membership in student groups based on their pro-Israel and/or Zionist viewpoints. Exclusion from campus events. Social media posts that read “all Zionists [need] to die,” leading to the closure of the campus Jewish center. Physical injuries to Jewish students and desecration of Jewish centers. Professors and students espousing, cheering and clapping for pro-Palestinian views that falsely label Israel a “white supremacist” nation that engages in “ethnic cleansing.” Hijacking a Zoom class background by posting Palestinian flags. The vandalism of a Jewish student’s campaign posters.

In one case at CUNY, students were observed carrying swastikas on campus and using class time to accuse Israel of settler-colonialism and ethnic cleansing. Some Jewish students had their grades lowered and one student was forced to resign her position as vice-president of student government for defending Israel or refusing to hide their Jewish heritage and culture.

The proposed legal remedies have ranged from revising current anti-discrimination and anti-harassment policies (at NYU and UVM, to name two) to taking (unknown) disciplinary action against students and faculty who have participated in antisemitism (such as the professor at Hunter College who participated in the Zoom “hijacking”). Most suggested remedies focus on revising current policies and training to include antisemitism and anti-Zionism among its prohibited forms of discrimination.

According to Lauri Regan, Esq., of EMET: “Title VI of the Civil Rights Act of 1964 bars federal funds to be paid to a college that discriminates on the basis of race, color or national origin. This needs to be expanded to include religion, which is why the passage of the [Antisemitism Awareness Act](#) is so critically important.”

“As we know, anti-Israel views pervade campus programming and curricula and with no repercussions,” she said. “We need to know if programs and departments receiving Title VI funding ... are pushing a radical, antisemitic agenda. Are courses offering [highly biased syllabi](#) or even [antisemitic textbooks](#) and curricular materials? Are public institutions paying membership dues to [organizations dedicated](#) to the destruction of Israel?”

Attorney Yael Lerman of StandWithUs said, “One thing we see as crucial (but difficult if not impossible to mandate) is that the antisemitism training we are requesting be based in a proper understanding of Zionism—that is, Zionism as a key component of Jewish identity. When understood in this context,

anti-Zionism in most cases is not a political position but rather an identity-based attack of anti-Jewish bigotry, also known as antisemitism.”

“This is why the adoption of [the International Holocaust Remembrance Alliance’s definition of antisemitism] is so important—it provides the critical context and proper understanding of what is and is not antisemitism,” she asserted.

According to Lori Lowenthal Marcus, Esq., of the Deborah Project, “Title VI isn’t even the best claim to bring (yet), because it does not include religion as a protected class. [We] are pushing hard to get antisemitism/anti-Zionism to fit under the concepts of national origin and/or ethnicity, both of which are protected classes under Title VI.”

“We also made First Amendment (Free Exercise of Religion) claims and state law anti-discrimination law (which do include religion) claims in our ethnic studies cases. You still want to encourage people to seek an educational component as a remedy. I think we have to be very careful not to allow Holocaust education to satisfy this,” she added.

I fully agree. Such educational initiatives cannot remain in the hands of an already biased and indoctrinated American professoriate and administration. They are neither equipped nor inclined to teach that anti-Zionism is part of the new antisemitism, Israel is not an “apartheid” state, Jew-hatred existed among Muslims in the Middle East and central Asia long before Israel became a sovereign nation or that colonialism, imperialism and slavery, as well as real gender and religious apartheid, have been perpetrated by many non-Western nations, some of which continue to do so today.

To teach this in a fact-based, “nuanced” (the word of choice), and balanced way, the administration must be mandated to turn to outside scholars and academics. Luckily, many historians,

political scientists, theologians, archeologists, linguists, anti-propaganda analysts, psychologists, lawyers, military intelligence experts and others are available to do the job.

Such education should be mandatory, annual and university-wide. Most importantly, the focus must be on Jews—not all persecuted people in the world.

The author wishes to acknowledge the research assistance of Katherine Chase.

First published in the [Jewish News Syndicate](#).