



April 29, 2025

The Honorable Bill Cassidy
Chair
Health, Education, Labor and Pensions
Committee
United States Senate
Washington, D.C. 20510

The Honorable Bernie Sanders
Ranking Member
Health, Education, Labor and Pensions
Committee
United States Senate
Washington, D.C. 20510

Dear Chair Cassidy and Ranking Member Sanders

On behalf of the undersigned civil rights and education groups, we write to urge you to oppose S. 558, the Antisemitism Awareness Act of 2025 (AAA), when the measure comes before your committee. At a time of escalating concerns about antisemitism and other forms of bigotry, we support an inclusive approach to promote mutual respect and counter all forms of hate. Adoption of this overbroad and underinclusive legislation will not halt antisemitism but risks undermining core constitutional rights and increasing division and polarization.

Under the pretext of combating antisemitism, the Trump administration, through Executive Order 14188 *Additional Measures To Combat Anti-Semitism*, has cancelled or suspended billions in government grants and contracts to universities, limited First Amendment protected political speech on college campuses, attacked diversity, equity, inclusion, and accessibility programs, and arrested, detained, and deported legal permanent residents and foreign students. We oppose giving the administration any new tools to advance this unconstitutional radical agenda.

The Antisemitism Awareness Act violates free speech protections

As you are aware, Title VI of the Civil Rights Act of 1964 prohibits federal funding recipients, including PK-12 and higher educational institutions, from discriminating on the basis of race, color, or national origin, including, since 2010, actual or perceived shared ancestry or ethnic characteristics.¹ Violations of Title VI can result in a loss of federal funding to noncompliant programs following a hearing and other statutorily-required procedures. The AAA would mandate the use of the controversial International Holocaust Remembrance Alliance (IHRA) definition of antisemitism – including its related “contemporary examples” – for Department of Education Title VI anti-discrimination investigations.² Originally adopted by the State Department as a data collection training tool for diplomats abroad, the IHRA definition has been criticized – including by one of its original authors – as having the potential to chill protected political speech associated with the Israeli-Palestinian conflict.³

¹ U.S. Department of Justice, Letter from Assistant Attorney General for Civil Rights Thomas E. Perez to Russlynn H. Ali, Assistant Secretary for Civil Rights, Department of Education, 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 (September 8, 2010). U.S. Department of Education, Office of Civil Rights Dear Colleague, https://cca-ct.org/OCR%20Guidance%20on%20Bullying_10262010.pdf (October 26, 2010).

² International Holocaust Remembrance Alliance, *Working Definition of Antisemitism*, <https://holocaustremembrance.com/resources/working-definition-antisemitism>

³ Eyal Press, *The Problem with Defining Antisemitism*, THE NEW YORKER (Mar. 13, 2024), <https://www.newyorker.com/news/persons-of-interest/the-problem-with-defining-antisemitism>.

First, it is important to note we do not believe any definition is necessary to combat the scourge of antisemitism, or any other form of hate. For example, no one is making the case to define anti-Black racism or homophobia to effectively respond to their increase. Further, the AAA's codification of the IHRA definition, which includes examples that equate political criticism of Israeli policies as antisemitism, could lead schools to unfairly censor lawful political speech by students and faculty that merely criticizes the policies or practices of Israel.⁴

Criticism of Israel – even harsh criticism – is not inherently antisemitic. Political protests and the right to criticize government policies are essential components of our democracy. Recognizing its overbreadth, the American Bar Association House of Delegates rejected the use of the IHRA definition in adopting their strongly worded February 2023 Midyear Meeting Resolution condemning antisemitism.⁵ Importantly, in a 2024 case challenging a Texas state executive order mandating the inclusion of the IHRA definition in Texas higher education institutions' campus free speech policies, the U.S. District Court for the Western District of Texas held that the IHRA definition was likely unconstitutional "viewpoint discrimination."⁶

Escalating concerns about antisemitism should not be a proxy used to inhibit peaceful protests and other protected speech on campus or to lower the bar for the deportation of foreign students because of their support for Palestinian human rights. Adding to past concerns about codifying the use of the IHRA definition in Title VI investigations is the fact that the Trump administration is now attempting to justify the arrest, incarceration, and deportation of foreign students on the basis of its January 29 Executive Order 14188 *Additional Measures to Combat Anti-Semitism*, which reaffirms the government's use of the IHRA antisemitism definition, requires an inventory of civil rights complaints alleging antisemitism, and calls on the Secretaries of State, Education, and Homeland Security to "monitor for and report activities" of non-citizen students and faculty, threatening deportation as a possible consequence.⁷

Codifying the use of the IHRA definition by enactment of the AAA would give the Trump administration additional authority to advance its unconstitutional agenda. Under the purported guise of addressing antisemitism, the Trump administration has already threatened to terminate federal funding from dozens of schools in order to extort changes to university policies which would suppress speech and curtail diversity, equity, inclusion, and accessibility.⁸ It is clear that this administration will take any new tools, distort the intentions behind them, and weaponize them against institutions and both U.S. and foreign student in a political and illegal manner, in violation of our Constitution and laws.

The Antisemitism Awareness Act is unnecessary and divisive – and undermines existing civil rights protections

⁴ Letter from the NAACP Legal Defense & Educational Fund, Inc. to the Hon. Merrick Garland and the Hon. Miguel Cardona RE: Renewed Request for Investigation of Law Enforcement and University Responses to Peaceful Campus Protests (Jul. 11, 2024), <https://www.naacpldf.org/wp-content/uploads/2024.07.10-Protest-Protection-Sign-On-Letter-Final-1.pdf>.

⁵ American Bar Association, House of Delegates Resolution 514, Mid-Year Meeting 2023 (Feb. 6, 2023) https://www.americanbar.org/news/reporter_resources/midyear-meeting-2023/house-of-delegates-resolutions/514/.

⁶ *Students for Justice in Palestine v. Abbott*, 24-CV-523 (W.D. Tex. Oct. 28, 2024), <https://storage.courtlistener.com/recap/gov.uscourts.txwd.1172787806/gov.uscourts.txwd.1172787806.62.0.pdf>.

⁷ The White House, Executive Order 14188, *Additional Measures To Combat Anti-Semitism*, <https://www.govinfo.gov/content/pkg/FR-2025-02-03/pdf/2025-02230.pdf>; Jake Offenhartz, *Immigration Agents Arrest Palestinian Activist Who Helped Lead Columbia University Protests*, AP (Mar. 9, 2025 11:37 PM), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdcae7a8> ("A spokesperson for the Department of Homeland Security, Tricia McLaughlin, confirmed Khalil's arrest in a statement Sunday, describing it as being 'in support of President Trump's executive orders prohibiting anti-Semitism.'")

⁸ Press Release, U.S. Dep't of Ed, U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment (Mar. 10, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment>.

The Department of Education already has the authority to investigate anti-Israel activity that involves intentional, unlawful, discriminatory intimidation and harassment of Jewish students, including the use of antisemitic stereotypes. Since 2010, the Department of Education has determined that Title VI extends to students who experience discrimination or harassment based on their actual or perceived shared ancestry or ethnic characteristics – including Jewish, Muslim, Sikh, and other discrete religious groups.⁹ In recent years, as concerns about antisemitism, anti-Arab racism, and anti-Muslim bigotry have grown, the Department has made clear that it will use this authority to protect these students from discrimination. The Department of Education Office for Civil Rights website currently includes a listing of approximately 140 elementary-secondary and post-secondary institutions that are under investigation for discrimination involving national origin and shared ethnic characteristics or ancestry.¹⁰ Adopting the AAA, therefore, would do nothing to protect Jewish communities, but runs a high risk of violating First Amendment rights and increasing division. We strongly support efforts to fight antisemitism, anti-Arab racism, other forms of discrimination and harassment through Title VI complaints and investigations, including in cases involving discrimination on the basis of shared ethnic characteristics. We oppose using concerns about antisemitism as a wedge to undermine democracy.

Efforts like the AAA that isolate antisemitism from other forms of bigotry, such as anti-Black and anti-Asian racism and other forms of discrimination, fail to meaningfully prevent and address the root causes of hate and bias acts. Instead, we should reprioritize meaningful efforts to dismantle all forms of hate and bias, including antisemitism, and all the machinery used to manufacture fear and divide communities.

The AAA would create unwelcome new opportunities for our civil rights laws to be misused to justify unconstitutional actions. We strongly urge you to oppose the Antisemitism Awareness Act or any other legislation that would codify the IHRA antisemitism definition. Please contact Michael Lieberman, SPLC Senior Policy Counsel for Hate and Extremism Michael.Lieberman@splcenter.org, or Margaret Lowry, Arab American Institute Policy Counsel, m_lowry@aaiusa.org, or Amalea Smirniotopoulos, NAACP Legal Defense Fund Senior Policy Counsel, asmirniotopoulos@naacpldf.org, if you have any questions or if we can provide additional information.

Sincerely,

Southern Poverty Law Center
Arab American Institute
NAACP Legal Defense and Educational Fund, Inc. (LDF)

Advancement Project
Advancing Justice | AAJC
American Arab Anti-Discrimination Committee
American Civil Liberties Union
Bend the Arc: Jewish Action
Carolina Jews for Justice
Center for Constitutional Rights
Center for Gender & Refugee Studies
Council on American-Islamic Relations (CAIR)
Equal Justice Society
IfNotNow Movement

⁹ U.S. Dep't of Ed., Dear Colleague Letter from Assistant Secretary of Human Rights Russlyn Ali (Oct. 26, 2010), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201010.pdf>.

¹⁰ U.S. Dep't of Ed., Shared Ancestry or Ethnic Characteristics, <https://www.ed.gov/about/offices/list/ocr/sharedancestry.html>.

Immigration Hub
Interfaith Alliance
International Refugee Assistance Project
J Street
Jewish Community Action
Jews For Racial & Economic Justice (JFREJ)
Kirva
Lawyers' Committee for Civil Rights Under Law
MPower Change Action Fund
Muslim Advocates
Muslim Public Affairs Council
NAACP
National Association of Social Workers
The National Coalition for Asian Pacific American Community Development (National CAPACD)
National Employment Law Project
New Jewish Narrative
New York Jewish Agenda (NYJA)
The Nexus Project
Public Justice
The Sikh Coalition
South Dakota Voices for Peace
T'ruah: The Rabbinic Call for Human Rights
Western States Center
Wind of the Spirit Immigrant Resource Center
Witness at the Border
The Workers Circle: Jewish Culture for a Just World

*List in formation