

80 Groups to Gov. Newsom Asking to Veto AB 331, Call for Safeguards in K-12 Classrooms

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

September 10, 2020

Dear Governor Newsom,

Our organizations urge you to **veto** AB 331, the bill making an ethnic studies course based on the AB 2016-mandated Ethnic Studies Model Curriculum (ESMC) a graduation requirement for all CA high school students. If, however, despite the evidence presented below you choose to sign this bill into law, we strongly urge you to include in your signing message a recommendation to state lawmakers to establish legislation in the CA Education Code to ensure that state-approved instructional materials are free from partisan or political biases, and that K-12 teachers are prohibited from using their classrooms for the purpose of one-sided partisan advocacy or activism.

Although the ESMC is still under revision by the state-appointed Instructional Quality Commission (IQC) and a final draft will not be approved by the State Board of Education until March 2021, there are numerous indications that the final draft will be no less problematic than the original one, which evoked outrage from tens of thousands of Californians, hundreds of organizations and dozens of state legislators. We are deeply concerned that classes taught using this curriculum will become vehicles for highly controversial, one-sided political advocacy and activism that will both subvert the educational mission of our schools and incite bigotry and harm against many students. In addition, we are especially concerned that the anti-Jewish and anti-Zionist ideological orientation of Critical Ethnic Studies – the version of ethnic studies explicitly articulated in the previous and current drafts of the ESMC and strongly embraced by a majority of IQC commissioners — will foster a toxic climate for Jewish and pro-Israel students throughout the state, and foment harm against them.

Majority of Californians Reject Politically-Charged, Polarizing and Divisive Critical Ethnic Studies Approach, Favor Multicultural Approach that Celebrates and Unites

AB 2016,¹ the bill mandating the development of the ESMC, clearly calls for a non-political, multicultural approach to ethnic studies that would prepare students in the most ethnically diverse state in the nation “to be global citizens with an appreciation for the contributions of multiple cultures” — a worthy goal embraced by the vast majority of Californians. In stark contrast, the

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2016

Guiding Principles of both the previous² and revised³ drafts of the ESMC unambiguously indicate that these drafts are firmly rooted in Critical Ethnic Studies, a narrow conceptualization⁴ of the field of ethnic studies that limits its focus to only four groups, is firmly rooted in Marxist ideologies that divide society into oppressed and oppressor groups based primarily on race and class, and, as part of its disciplinary mission, uses the classroom to indoctrinate students into narrow political beliefs and political activism.

The majority of California citizens roundly reject the controversial worldview and values underlying the ESMC's Critical Ethnic Studies approach, a point that was underscored by IQC Chair Jose Iniguez during a discussion of the ESMC revisions at a recent IQC meeting, when he stated, "As written, this draft reads as politicized, and as such, is likely to alienate more districts and families than it attracts."⁵ Unfortunately, Chair Iniguez's fellow IQC commissioners ignored his concerns and reiterated both their rejection of the multicultural approach favored by most California families and their support for a model curriculum based on the highly politicized discipline of Critical Ethnic Studies. Some commissioners even argued that explicit references to the "critical" nature of the curriculum, as well as disciplinary jargon that had been removed from the revised draft in response to enormous public criticism, should be reinstated. Moreover, many California families rightly fear that the highly politicized ethnic studies curriculum currently being considered, which deliberately embraces a particularly polarizing approach, will only serve to divide students, rather than unite them, and foment hatred and bigotry that will have a negative impact on their own children.

Critical Ethnic Studies' Overt Anti-Jewish Bias Will Serve to Increase Anti-Semitism

While the tenets of Critical Ethnic Studies will have a dangerously divisive and harmful impact on all California students, they are particularly threatening to the state's Jewish community. An example from the latest draft ESMC highlights the anti-Jewish bias of a "critical" approach to ethnic studies and its frightening consequences for Jewish students. The draft gives school districts the option of offering a UC A-G pre-approved course that includes a unit on "Irish and Jewish Americans: Redefining White and American,"⁶ which requires students to write a paper "detailing certain events in American history that have led to Jewish and Irish Americans gaining racial privilege" and asks students to "think critically about why and who is allowing this evolution in white identity." At a time when anti-Jewish sentiment, hostility and violence has reached truly alarming

² <https://www.cde.ca.gov/be/cc/cd/documents/esmcch1intro-overview.docx>

³ <https://www.cde.ca.gov/ci/cr/cf/documents/sept2020esmcch1.docx>

⁴ In his book *Teaching Strategies for Ethnic Studies*, 8th Edition (2009), James A. Bank, a pioneer and founder of the discipline of multicultural education, writes: "One pervasive assumption many educators embrace is that ethnic studies deals exclusively with groups of color...This narrow conceptualization of ethnic studies emerged out of the social forces that gave rise to the ethnic studies movement in the 1960s. To conceptualize ethnic studies exclusively as the study of people of color is inconsistent with how sociologists define ethnicity."

⁵ <https://www.youtube.com/watch?v=17C9BUIIW1A&t=4h52m47s>

⁶ <https://www.cde.ca.gov/ci/cr/cf/documents/sept2020esmappendixa.docx>

levels,⁷ indoctrinating students to view Jews as “white” and “racially privileged” is tantamount to putting an even larger target on the back of every Jewish student.

In addition, Jewish families throughout the state are deeply concerned that the anti-Zionist bias of Critical Ethnic Studies and the widespread anti-Zionist advocacy and activism — particularly the promotion of the anti-Israel Boycott, Divestment, Sanctions (BDS) movement — of its scholars and teachers in their classrooms and other professional spaces,⁸ will incite further hatred of Jews and harm to Jewish students. Indeed, several empirical studies have shown strong correlations between faculty who use their classrooms to express support and advocate for anti-Zionist causes, including BDS, and anti-Semitic incidents that target Jewish students for harm, including physical and verbal assault, vandalism, bullying and harassment.⁹ That is why last summer more than 18,000 members of the Jewish and pro-Israel community submitted public comments decrying the overt anti-Israel bias and explicit promotion of BDS in the first draft of the ESMC. Many also noted that a majority of the ethnic studies experts hired or appointed by the California Department of Education to develop the first draft curriculum had publicly expressed support for BDS or other anti-Zionist sentiments.

Furthermore, although the revised draft curriculum released at the end of July did not contain the Arab American Studies lessons that had been the source of much of the original draft’s overt anti-Zionist sentiment and BDS promotion, on the eve of the August 13th IQC meeting the CDE issued a last-minute announcement that Arab American Studies *would* be included in the ESMC. Alarming, however, the sample lesson will not be published until November, well after the public comment period for the revised draft has ended, making it impossible for members of the Jewish community to raise concerns and warn of the danger to Jewish students if anti-Zionist propaganda and BDS promotion are inserted into that lesson.

California State Has No Standards for Ensuring Instructional Materials and K-12 Classrooms Are Free From Politics

Recognizing the extreme harm that could result from a highly politicized ethnic studies classroom, in 2017 the LAUSD Multidisciplinary Ethnic Studies Advisory Team drafted a guiding document for district ethnic studies teachers entitled “Elements of a Balanced Curriculum,”¹⁰ that references the following language from the LAUSD United Teachers Contract, Article XXV Academic Freedom and Responsibility:

⁷ <https://www.adl.org/audit2019>

⁸ <https://amchainitiative.org/wp-content/uploads/2020/08/CES-Anti-Zionism-and-the-Harassment-of-Jewish-Students.pdf>

⁹ See: <https://amchainitiative.org/wp-content/uploads/2016/03/Antisemitic-Activity-at-U.S.-Colleges-and-Universities-with-Jewish-Populations-2015-Full-Report.pdf>; <https://www.amchainitiative.org/wp-content/uploads/2017/04/Antisemitism-At-the-Epicenter-of-Campus-Intolerance-Report-2016.pdf>; <https://amchainitiative.org/wp-content/uploads/2018/09/Campus-Antisemitism-2017.pdf>; <https://amchainitiative.org/wp-content/uploads/2020/07/Antisemitism-Report-2019.pdf>; and <https://amchainitiative.org/wp-content/uploads/2017/10/Faculty-Report.pdf>

¹⁰ <https://achieve.lausd.net/cms/lib/CA01000043/Centricity/Domain/226/Balance%202017.pdf>

“[I]n the investigation, presentation and interpretation of facts and ideas within the prescribed course of study, teachers shall be free to examine, present and responsibly discuss various points of view in an atmosphere of open inquiry, **provided that the instruction, material, or discussion...is a fair and balanced academic presentation of various points of view consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias or partisanship**”. [Emphasis added]

Surprisingly, California has adopted no similar standards for ensuring that state-approved instructional materials are free from extreme political bias or for prohibiting K-12 teachers from using their classrooms to advance their own partisan political causes. In the absence of such safeguards and in light of the overwhelming evidence that the final draft of the model curriculum will embrace a highly politicized and divisive Critical Ethnic Studies approach that can't help but incite hatred and harm against some students, particularly those who are Jewish, we believe that signing AB 331 into law will be a disaster for our students and our state.

For the reasons outlined above, we reiterate our request that you **veto** AB 331. However, if you do choose to sign this bill, we ask that in your signing message, you urge state legislators to establish legislation in the CA Education Code to ensure that state-approved instructional materials are free from partisan or political bias, and that teachers are prohibited from using their classrooms for the purpose of one-sided partisan advocacy or activism.

Thank you for your leadership in these challenging times, and for ensuring that all California students are provided a non-politicized, quality education that allows them to thrive in an ethnically diverse state, and sets them on the path to success.

Sincerely,

Academic Council for Israel
Alliance for Constructive Ethnic Studies
Alpha Epsilon Pi Fraternity (AEPi)
Alums for Campus Fairness - UC Davis
Alums for Campus Fairness - UC Riverside
Alums for Campus Fairness - UCLA
AMCHA Initiative
American Association of Jewish Lawyers and Jurists
American Council of Trustees and Alumni
American Institute for Jewish Research
American Jewish International Relations Institute
American Truth Project
American Values
American Zionist Movement
Americans Fighting Antisemitism
Americans for Peace and Tolerance
B'nai B'rith International
BEAR: Bias Education, Advocacy & Resources

Black Americans for Inclusive Ethnic Studies
Bobcats for Israel at Ohio University
Boston Israel Action Committee
Bulldogs for Israel (Brooklyn College)
California Association of Scholars
CAMERA on Campus
Campus Anti-Semitism Task Force of the North Shore
Center for Righteousness and Integrity
Chovevei Zion
Christians and Jews United for Israel
Club Z
Coalition for Jewish Values
Combat Anti-Semitism Movement
Committee for Accuracy in Middle East Reporting and Analysis (CAMERA)
Conference of Jewish Affairs
Creative Community for Peace
CUFI on Campus
Davis Faculty for Israel
Eagles Wings
Education Without Indoctrination
Endowment for Middle East Truth (EMET)
Facts and Logic About the Middle East (FLAME)
Grandchildren of Holocaust Survivors
Hasbara Fellowships
Herut North America, U.S. Division
Institute for Black Solidarity with Israel
Iranian American Jewish Federation
Iranian Jewish Women's Organization
Israel in NYC
Israel Matters
Israel Peace Initiative (IPI)
JAM
Jewish American Affairs Committee of Indiana
Latinx for Quality Education
Magshimey Herut
Michigan Jewish Action Council
Middle East Forum
Middle East Political and Information Network (MEPIN)
National Christian Leadership Conference for Israel
National Council of Young Israel
National Jewish Advocacy Center
NH4Israel
North Carolina Coalition for Israel
Rabbinical Alliance of America
Religious Zionists of America
Rhode Island Coalition for Israel

Russian Jewish Community Foundation
San Diego Asian Americans for Equality
Scholars for Peace in the Middle East
Stop Anti-Semitism Now
Stop BDS on Campus
Students and Parents Against Campus Anti-Semitism
Students Supporting Israel at Drake University
Students Supporting Israel at UCLA
Students Supporting Israel National
Swarthmore Alumni Against Antisemitism on Campus
The Israel Christian Nexus
The Israel Group
Tufts Friends of Israel
World Jewish Congress North America
Zachor Legal Institute
Zionist Organization of America

Cc: State Superintendent of Public Instruction Tony Thurmond
State Board of Education President Linda Darling-Hammond
Ann O'Leary, Chief of Staff to the Governor
Angie Wei, Special Advisor to the Governor
Joey Freeman, Chief Deputy of Legislative Affairs Secretary for the Office of the Governor