
**MAGA’S BLUE STATE STRATEGY: HOW DEMOCRATS
AND UNIVERSITY LEADERS HELPED THE
REACTIONARY RIGHT WEAPONIZE ANTISEMITISM
AGAINST HIGHER EDUCATION**

JONATHAN FEINGOLD* & ISAAC KAMOLA**

CONTENTS

INTRODUCTION.....	1128
I. THE BLM BACKLASH.....	1134
II. FROM “CRT IS RACIST” TO “DEI IS ANTISEMITIC”.....	1137
III. THE DEMOCRATS OBLIGED	1142
CONCLUSION.....	1156

* Professor of Law, Boston University School of Law; Co-founder, Concerned Jewish Faculty & Staff.

** Professor of Political Science, Trinity College. The authors thank the student editors of the *Boston University Law Review* for their care and diligence throughout the editing process. We are grateful for thoughtful comments and feedback received at the African American Policy Forum’s Democracy Defender’s convening, during workshops at Richmond Law School and Cornell Law School, and from Sahar Aziz, Marjorie Feld, Jeremy Menchik, Margaret Litvin, Aziz Rana, and Aaron Shakow.

The professors are the enemy. Professors are the enemy. Write that on the blackboard 100 times and never forget it.

—President Richard Nixon, 1972¹

[I]f any of us wants to do the things we want to do[,] . . . we have to honestly and aggressively attack the universities in this country.

—J.D. Vance, 2021²

INTRODUCTION

October 7, 2023 was many things. One of those things was a lucky break for the Heritage Foundation (“Heritage”). For decades, Heritage and its allied think tanks, donors, and officials had labored to discredit and, if possible, take over higher education in the United States. This project accelerated following 2020’s racial reckoning. In states like Florida, North Carolina, and Texas, GOP officials intensified strategic campaigns to wrest control of their public universities by censoring curricular content,³ eroding faculty protections, and transforming university governing boards from non-partisan bodies into an arm of the state’s Republican Party apparatus.⁴

By fall 2023, the architects of these campaigns were celebrating significant victories in Republican-controlled states. But it was never clear how a movement animated by nostalgia for a pre-Civil Rights America could puncture universities in liberal strongholds like New York, Massachusetts, and California. Then October 7 happened.

¹ Conversation Among Richard Nixon, U.S. President, Henry Kissinger, Nat’l Sec. Advisor & Alexander Haig, Deputy Nat’l Sec. Advisor (Dec. 14, 1972), in 9 FOREIGN RELATIONS OF THE UNITED STATES, 1969-1976, at 636, 678 (John M. Carland & Edward C. Keefer eds., 2010).

² NATIONAL CONSERVATISM, *J.D. Vance: The Universities are the Enemy*, National Conservatism Conference II, at 00:31-00:41 (YouTube, Nov. 10, 2021), <https://www.youtube.com/watch?v=0FR65Cifnhw> (on file with the Boston University Law Review).

³ Glenn Altschuler & David Wippman, Opinion, *Red States Have Launched a Hostile Takeover of Public Universities*, HILL (June 29, 2025, at 08:00 ET), <https://thehill.com/opinion/education/5374460-red-states-have-launched-a-hostile-takeover-of-public-universities>.

⁴ See Alan Festo, *Florida Higher Ed Board Stuns UF, Blocks Santa Ono from Becoming President*, GAINESVILLE SUN (June 3, 2025, at 20:54 ET), <https://www.gainesville.com/story/news/education/2025/06/03/board-of-governors-rejects-santa-ono-as-university-of-florida-president/84007003007> [<https://perma.cc/5VKD-L9V4>] (describing Florida Board of Governors’ first-ever rejection of trustee-selected university president after questioning candidate at length about diversity, equity, and inclusion (“DEI”), admissions, antisemitism, and encampments); *Report of a Special Committee: Political Interference and Academic Freedom in Florida’s Public Higher Education System*, BULL. AM. ASS’N U. PROFESSORS (Am. Ass’n of Univ. Professors, Washington, D.C.), Summer 2024, at 15, 27 (noting politicization of Florida Board of Governors, including strategic appointments allied with Florida’s Republican governor and legislative supermajority).

For folks like Christopher Rufo, the right-wing activist who turned critical race theory (“CRT”) “toxic,”⁵ the campus unrest that followed Hamas’ attack on Israel was an opportunity to exploit.⁶ Within days, the same actors leading the charge against CRT had integrated calculated accusations about “antisemitism on campus” into their talking points.⁷ This pivot capitalized on real conflicts emerging on university campuses⁸ and a pre-existing academic and cultural landscape that cast Palestine solidarity as “presumptively antisemitic.”⁹ The rhetorical turn to antisemitism also harnessed a contingent yet potent alignment between far right groups, legacy Jewish organizations, Democratic politicians and university insiders—including certain prominent Jewish faculty.¹⁰

It might be tempting to view today’s assault on higher education as an unforeseen power grab unique to President Trump’s fascist agenda and aspirations.¹¹ But one tip of this spear—a narrative that links antisemitism to diversity, equity, and inclusion (“DEI”)—did not emerge in the mind of an aspiring autocrat. It was honed and amplified by a right-wing political and media infrastructure. And its ultimate success required liberal institutions, politicians and academics—many Jewish—to seed the common sense that peaceful pro-Palestine protests had turned universities into violent “hotbeds” of

⁵ Benjamin Wallace-Wells, *How a Conservative Activist Invented the Conflict over Critical Race Theory*, NEW YORKER (June 18, 2021), <https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory>.

⁶ See *The Left’s Hamas Problem*, CHRISTOPHER F. RUFO (Apr. 29, 2024), <https://christopherufo.com/p/the-lefts-hamas-problem>.

⁷ See, e.g., *infra* Part II (discussing conservative turn to antisemitism by figures who had previously shown little interest in subject).

⁸ Professor Aslı Ü. Bâli has noted that the campus protests that emerged after October 7 created a physical manifestation of the metaphorical cultural battlefield provocateurs like Christopher Rufo had long conjured to vilify and caricature American universities. #RACECLASS PODCAST: *From DEI to CRT: Tracing the Assault on Multiracial Democracy* (Soundcloud, Sep. 27, 2024); see also Christopher F. Rufo, Opinion, *How We Squeezed Harvard to Push Claudine Gay Out*, WALL STREET J. (Jan. 3, 2024, at 17:51 ET), <https://www.wsj.com/opinion/how-we-squeezed-harvard-claudine-gay-firing-dei-antisemitism-culture-war-a6843c4c> (“Following the outpouring of sympathy on elite campuses for Hamas’s war of ‘decolonization’ against Israel, many Americans—including many center-left liberals—became aware of the ideological rot within academic institutions. They began to question the sweet-sounding euphemisms of DEI and examine what they mean in practice.”).

⁹ See generally MITCHELL PLITNICK & SAHAR AZIZ, RUTGERS UNIV. L. SCH., PRESUMPTIVELY ANTISEMITIC: ISLAMOPHOBIC TROPES IN THE PALESTINE-ISRAEL DISCOURSE 31 (2023), <https://csrr.rutgers.edu/wp-content/uploads/2023/11/csrr-presumptively-antisemitic-report.pdf> [<https://perma.cc/NK93-L4S4>] (identifying Islamophobic tropes which shape public discourse about Israel-Palestine).

¹⁰ See *infra* Part III (noting examples of liberal and Democratic actors who employed language which aligned with right-wing efforts to conflate anti-Zionism and antisemitism).

¹¹ See Jason Stanley, *I Study Fascism. I’ve Already Fled America.*, MOTHER JONES (Nov. 5, 2025), <https://www.motherjones.com/politics/2025/11/jason-stanley-fascism-trump-history> [<https://perma.cc/YU4Z-6SP6>].

antisemitism.¹² As campus conflicts flared, the Make America Great Again (“MAGA”) movement found its blue state strategy.

What does this strategy look like in practice? In June 2025, Republican Senator John Kennedy told Morning Joe that Harvard University “practices ideological capture” and is violating federal law.¹³ Harvard’s apparent crime was educating (some) students that inequality is structural, that oppression is real, and that neither the United States nor Israel is above critique. Per Senator Kennedy, Harvard teaches:

[T]hat the world is divided between oppressors and the oppressed, and oppressors should be punished and they’re evil—like America and Israel—the oppressed are victims and should be helped at any cost. . . . I think that supports Harvard to believe in diversity, equity, inclusion and the right to harm the Jewish people.¹⁴

The week before, in a letter revoking Harvard’s right to enroll foreign students, then-Homeland Security Secretary Kristi Noem accused Harvard of “perpetuating an unsafe campus environment that is hostile to Jewish students, promot[ing] pro-Hamas sympathies, and employ[ing] racist ‘diversity, equity, and inclusion’ policies.”¹⁵

The recipe is frustratingly obvious: invoke Jewish safety; recast Palestine solidarity as Hamas-supporting domestic terrorism; link it all to DEI.¹⁶ In this MAGA mythology, student anti-discrimination trainings, LGBTQ+ resource centers, fellowships supporting Black students, and diversity-focused initiatives are indistinguishable from—or more concerning than—the actual Nazis who chanted “Jews will not replace us” on the University of Virginia’s campus in 2017.¹⁷ Since his inauguration, President Trump and his Administration have dipped into distortion and hyperbole to justify illegal revocations of university funding, partisan and paranoid Congressional hearings, baseless campus investigations, student abductions, and unrelenting campaigns to beat higher education into submission.

¹² See *infra* Part III (discussing how liberal institutions and individuals characterized pro-Palestine protests).

¹³ Video posted by Aaron Rupar (@atrupar.com), BLUESKY (June 5, 2025, at 09:25 ET), <https://bsky.app/profile/atrupar.com/post/3lqugajhbe22v>.

¹⁴ *Id.*

¹⁵ Letter from Kristi Noem, Sec’y of Homeland Sec., to Harv. Univ. (May 22, 2025), https://www.harvard.edu/research-funding/wp-content/uploads/sites/16/2025/05/S1-Ltr-to-Harvard-05222025_Redacted.pdf [<https://perma.cc/YET8-GUM2>].

¹⁶ DEI is shorthand for a range of commitments, policies and practices designed to promote diversity, equity and inclusion. See Christina Joseph & David Glasgow, *The Law of Diversity, Equity, and Inclusion*, ADVANCING DEI INITIATIVE, <https://advancingdei.meltzercenter.org/resources/the-law-of-dei> [<https://perma.cc/P58Q-49PZ>] (last visited May 21, 2026).

¹⁷ For one example of the assertion that contemporary diversity efforts are “perhaps more insidious” than white nationalist projects and antisemitic conspiracy theories, see David Bernstein, *Three Bad Ideas About Race in America*, 4 AM. J.L. & LIBERTY 121, 123 & n.9 (2024).

The attacks started with Ivy League institutions like Harvard and Columbia, but they will not end there. In a spring 2025 appearance on *The Daily*, Rufo described Columbia as a “prototype of that strategy” that entails leveraging funding threats to exert “existential terror” and compel unyielding obedience from academic institutions.¹⁸ “And so what I’d like to see and why this is a medium and long-term goal,” Rufo added, “is I’d like to see that prototype industrialized and applied to all of the universities as a sector.”¹⁹

President Trump has no interest in combating antisemitism. Even *The Atlantic* columnists like Franklin Foer, whose own writing naturalized Trumpian narratives of antisemitism “on the left,” recognized that President Trump is “exploiting the issue of anti-Semitism.”²⁰ After all, this is a president who has openly admired Hitler, defends Germany’s far right Alternative für Deutschland (“AfD”), and surrounds himself with white nationalists, neo-Nazis, and Holocaust deniers.²¹

Fascism scholar Jason Stanley highlighted the Trump-Nazi connection in November 2025: “I think everybody accepts that whatever the Trump machine believes behind the scenes, they’re employing techniques familiar from the Nazis.”²² Alongside the anti-Black racism that anchors President Trump’s segregationist agenda,²³ antisemitism is a feature, not a bug of Trumpism; federal officials misuse Jewish identity to further a regressive project. This dynamic corrodes our collective ability to address actual antisemitism and positions Jewish communities as scapegoats for ongoing attacks on higher education, civil rights, and immigrants.²⁴

¹⁸ THE DAILY: *The Conservative Activist Pushing Trump to Attack U.S. Colleges* (Spotify, Apr. 11, 2025).

¹⁹ *Id.*

²⁰ Franklin Foer, *Columbia University’s Anti-Semitism Problem*, ATLANTIC (Mar. 17, 2025), <https://www.theatlantic.com/ideas/archive/2025/03/columbia-antisemitism-israel-palestine-trump/682054>; see also Franklin Foer, *The Golden Age of American Jews Is Ending: Anti-Semitism on the Right and the Left Threatens to Bring to a Close an Unprecedented Period of Safety and Prosperity for Jewish Americans—and Demolish the Liberal Order They Helped Establish*, ATLANTIC (Mar. 4, 2024), <https://www.theatlantic.com/magazine/archive/2024/04/us-anti-semitism-jewish-american-safety/677469>.

²¹ Peter Baker, *Denouncing Antisemitism, Trump Also Fans Its Flames*, N.Y. TIMES (June 3, 2025), <https://www.nytimes.com/2025/06/03/us/politics/trump-antisemitism.html>.

²² Stanley, *supra* note 11.

²³ See AFR. AM. POL’Y F., ANTI-BLACKNESS IS THE POINT: RACISM, MISOGYNY, AND DONALD TRUMP’S ASSAULT ON EQUAL OPPORTUNITY 2 (2025); Victor Ray, *Eliminating DEI Isn’t Just Racist—It’s Segregationist*, EMANCIPATOR (Jan. 28, 2025), <https://theemancipator.org/2025/01/28/topics/u-s-politics/eliminating-dei-isnt-just-racist-its-segregationist> [https://perma.cc/4NCK-5LR8].

²⁴ See Kenneth Roth, Opinion, *I Once Ran Human Rights Watch. Harvard Block My Fellowship Over Israel*, GUARDIAN (Jan. 10, 2023), <https://www.theguardian.com/commentisfree/2023/jan/10/kenneth-roth-human-rights-watch-harvard-israel> (arguing equating human rights advocacy with antisemitism “cheapens the very serious problem of antisemitism by reducing it to criticism of Israel”).

President Trump's desire to erode university independence follows decades of conservative backlash to the liberal underpinnings of higher education and the systemic analyses of power they incubate. Today's attacks trace to "Massive Resistance" against federally mandated desegregation and the antiracist, anticapitalist, and anticolonial ideas that fueled the Civil Rights Movement.²⁵ Reflecting on that period, Professor Asad Rahim has detailed how Supreme Court Justice Louis Powell was "consumed by a suspicion that White and Black radicals, influenced by communists, had teamed up to plot a revolution that would dismantle capitalism and overthrow American democracy."²⁶ Justice Powell specifically warned that left extremists, who he termed the "'hate America' left," aimed to "establish the campus as the principal base of revolution."²⁷ Justice Powell saw diversity—namely, *intellectual* diversity—as an antidote to left-wing "radicalism."²⁸

President Ronald Reagan shared Justice Powell's anxieties. As California's governor in 1969, Reagan cast the prior decade of student protest as "one of the great tragedies of modern history."²⁹ "It seems incomprehensible," he wrote, "that a portion of our population, including some students, some faculty members and outsiders, is attempting to overthrow our democratic way of life."³⁰ Reagan and the broader conservative movement responded by defunding California's public universities.³¹ Akin to racist myths about welfare recipients, Reagan wielded "culture war" attacks to justify unpopular funding cuts.³²

We have since witnessed decades of often-bipartisan austerity alongside rising student and institutional debt, growing private donor dependency and

²⁵ See Danielle Wingfield, *Massive Resistance: Then and Now*, POVERTY & RACE J., May-Sep. 2025, at 1, 4 ("The attacks on public education we see today are . . . the newest expression of a long tradition of resistance to equality, echoing the Massive Resistance of the 1950s and 1960s."); Nikhil Pal Singh, *Capitalism, Colonialism, and the Long Arc of Black Struggle: Reading Jack O'Dell*, ITEMS (Apr. 4, 2017), <https://items.ssrc.org/reading-racial-conflict/capitalism-colonialism-and-the-long-arc-of-black-struggle-reading-jack-odell> [<https://perma.cc/JX3N-A5CQ>] (describing strand of civil rights thought linking racial justice to struggles against capitalism and colonialism).

²⁶ Asad Rahim, *Diversity to Deradicalize*, 108 CALIF. L. REV. 1423, 1427 (2020).

²⁷ *Id.* at 1427, 1432.

²⁸ *Id.* at 1428.

²⁹ Ronald Reagan, *Academic Freedom and Academic Order*, CHANGE, July-Aug. 1969, at 33, 33.

³⁰ *Id.* at 35.

³¹ Sriskandha Kandimalla, *Ronald Reagan's Legacy: The Rise of Student Loan Debt in America*, NEW UNIV. (Feb. 13, 2023), <https://newuniversity.org/2023/02/13/ronald-reagans-legacy-the-rise-of-student-loan-debt-in-america> [<https://perma.cc/7ZXD-R9CS>] ("Quickly after being reelected as governor, Reagan began cutting state funding of public universities by 20%. His justification was that colleges have become too liberal and taxpayers should not subsidize intellectual curiosity.").

³² See generally CHRISTOPHER NEWFIELD, UNMAKING THE PUBLIC UNIVERSITY: THE FORTY-YEAR ASSAULT ON THE MIDDLE CLASS (2011) (tracing political and economic dismantling of public university over four decades).

influence, waning employment opportunities, and widening inequality in educational access.³³ These coalescing dynamics continue to expose universities to public criticism and external interference.

Legitimate criticism has dovetailed with conservative campaigns to sow public distrust and discredit higher education's basic integrationist gains.³⁴ Following handwringing over "political correctness" in the 1990s and 2000s, a chorus of right-wing and centrist pundits and entities sowed moral panic about campus "free speech crises" during the 2010s—often pitting the blame on DEI.³⁵ Reflecting on these dynamics, Jason Stanley observed how the mainstream media "waged a decade-long propaganda campaign against American universities."³⁶ This includes outlets like *The New York Times* and *The Atlantic*, both of which helped naturalize misplaced and reductionist narratives about "oversensitive" students and the universities that "coddled" them, and derided the alleged source of this "illiberal" sensibility: too much "diversity, inclusion, and anti-excellence."³⁷

³³ See generally CHRISTOPHER NEWFIELD, *THE GREAT MISTAKE: HOW WE WRECKED PUBLIC UNIVERSITIES AND HOW WE CAN FIX THEM* (2016) (describing how treating higher education as private good, rather than public good, weakened public universities).

³⁴ See generally CHARLIE EATON, *BANKERS IN THE IVORY TOWER: THE TROUBLING RISE OF FINANCIERS IN US HIGHER EDUCATION* (2023) (analyzing and identifying negative consequences of power and influence finance industry holds over many American universities); RODERICK A. FERGUSON, *WE DEMAND: THE UNIVERSITY AND STUDENT PROTESTS* (2017) (arguing "crisis of the contemporary American academy is part of an institutional and social backlash against the inroads made by student movements").

³⁵ JOHN K. WILSON, *THE MYTH OF POLITICAL CORRECTNESS: THE CONSERVATIVE ATTACK ON HIGHER EDUCATION* 1-3 (1995); BRIAN SOUCEK, *THE OPINIONATED UNIVERSITY: ACADEMIC FREEDOM, DIVERSITY, AND THE MYTH OF NEUTRALITY IN AMERICAN HIGHER EDUCATION* 1-2 (2026).

³⁶ Jason Stanley, Opinion, *The Mainstream Media Has Enabled Trump's War on Universities*, *GUARDIAN* (June 16, 2025, at 12:42 ET), <https://www.theguardian.com/commentisfree/2025/jun/13/mainstream-media-trump-universities>.

³⁷ *Id.* ("The Trump regime's vicious targeting of US universities was justified and normalized by a decade of panicked op-eds about leftists on campus in the *New York Times*, which included laying the basis for the administration's cynical attack on DEI."); see Bret Stephens, Opinion, *Diversity, Inclusion and Anti-Excellence*, *N.Y. TIMES* (Aug. 2, 2019), <https://www.nytimes.com/2019/08/02/opinion/university-campus-diveristy-inclusion-free-speech.html> ("[New campus mores] embolden[] offense-takers, promotes doublethink, coddles ignorance."); see also Greg Lukianoff & Jonathan Haidt, *The Coddling of the American Mind*, *ATLANTIC* (Aug. 10, 2015), <https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356> (arguing campuses increasingly treated discomforting speech as harm and elevated student emotional protection over open inquiry). See generally BRADFORD VIVIAN, *CAMPUS MISINFORMATION: THE REAL THREAT TO FREE SPEECH IN AMERICAN HIGHER EDUCATION* (2023) (contending misleading claims about campus free speech crises and intellectual uniformity distorted public understanding of higher education); Lucas Mann, *I'm a Longtime Professor. The Real Campus "Free Speech Crisis" Is Not What You Think*, *SLATE* (Apr. 16, 2022), <https://slate.com/human-interest/2022/04/campus-free-speech-crisis-myths-realities.html> [<https://perma.cc/C7LW-QVGZ>] (observing

Attacks on higher education again intensified alongside the reactionary right's broader backlash to 2020's racial reckoning. These attacks further intensified following October 7, 2023.

I. THE BLM BACKLASH

2020's global protests for racial justice represented a watershed moment. Over just a few months, an estimated fifteen to twenty-six million marchers took to the streets to demand the United States reckon with its racism.³⁸ The multiracial protests linked America's anti-Blackness to decades of bipartisan neoliberal reform that had rationalized human suffering and privileged corporate profits.³⁹ Concepts like structural racism, white supremacy, and intersectionality—once resigned to activist circles and ivory towers—pierced national discourse and public imagination.⁴⁰

As COVID-19 and its disparate impacts surged, corresponding calls for relief pushed elected officials and corporate CEOs to tackle the interlocking racism and economic precarity structured into society itself.⁴¹ The federal government enacted progressive policies, including an expanded Child Tax Credit, that “spurred the largest one-year drop in child poverty on record” and reduced “racial and ethnic inequities in child poverty.”⁴² The near-instantaneous drop in child poverty and racial inequality reinforced the claim that policy choices, not individual failings, drove American society's enduring inequities. President Biden's infrastructure bill demonstrated that the government could create jobs and combat climate change.⁴³

This fusion of antiracist and anti-capitalist discourse with real-life activism and economic redistribution created an existential crisis for right-wing think

how dominant media narratives about America's purported free-speech crises ignore realities of nonelite classrooms).

³⁸ Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

³⁹ KEEANGA-YAMAHTTA TAYLOR, FROM #BLACKLIVESMATTER TO BLACK LIBERATION 1-17 (2016); Keeanga-Yamahtta Taylor, *Black Politics and Beyond*, HAMMER & HOPE (2025), <https://hammerandhope.org/forums/george-floyd-black-politics> [https://perma.cc/7JUJ-Z7XB].

⁴⁰ Zackary Okun Dunivin, Harry Yaojun Yan, Jelani Ince & Fabio Rojas, *Black Lives Matter Protests Shift Public Discourse*, PNAS, Mar. 2022, at 1, 10.

⁴¹ Cedric Johnson, *The Triumph of Black Lives Matter and Neoliberal Redemption*, NONSITE.ORG (June 9, 2020), <https://nonsite.org/the-triumph-of-black-lives-matter-and-neoliberal-redemption> [https://perma.cc/Q3MP-G4XN].

⁴² American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 9611, 135 Stat. 4, 144-46; Danilo Trisi, *Expiration of Pandemic Relief Led to Record Increases in Poverty and Child Poverty in 2022*, CTR. FOR BUDGET & POL'Y PRIORITIES (June 10, 2024), <https://www.cbpp.org/research/poverty-and-inequality/expiration-of-pandemic-relief-led-to-record-increases-in-poverty>.

⁴³ Sanjay Rajagopalan & Philip J. Landrigan, *The Inflation Reduction Act—Implications for Climate Change, Air Pollution, and Health*, 23 LANCET REG'L HEALTH 1, 1 (2023).

tanks and officials. Heritage Foundation blogger Mike Gonzalez captured the concern in a September 2020 post: “There seems to be a growing acceptance that there is systemic, structural, and institutional racism, and the country’s very system, along with all is [sic] structures and institutions, need to be smashed and replaced.”⁴⁴ Rufo and allies then orchestrated a well-documented “public persuasion campaign” to recast America’s antiracist turn as a racist over-correction.⁴⁵ Through a calculated takedown of CRT, right-wing organizations, politicians and media catalyzed a “counter-revolution” which took specific aim at America’s academic institutions.⁴⁶ Think tanks including the Manhattan Institute, Heritage Foundation, and Claremont Institute produced a steady stream of “reports” and model legislation that portrayed antiracism and “equity-oriented” ideology as the true threat to civil rights and America itself.⁴⁷

This rhetoric laid the groundwork for searing legislative backlash. Starting in 2021, state legislatures introduced hundreds of GOP-led discriminatory censorship laws designed to erode teacher protections and purge curriculum about racism, gender identity, and other targeted topics.⁴⁸ The assault on teaching and learning has not relented. According to the free expression advocacy organization PEN America, “2025 was a year of catastrophe” for higher education.⁴⁹

Many of today’s legislative attacks on America’s universities trace to a Rufo-inspired 2020 Trump executive order that banned federal agencies from promoting a list of “divisive concepts,” which included the notion that the “United States is fundamentally racist or sexist.”⁵⁰ Soon thereafter, the conservative American Legislative Exchange Council invited legislators to a workshop featuring Rufo and speakers from the Heritage Foundation and the American Enterprise Institute. The workshop showcased bills that lawmakers could wield to outlaw *The New York Times*’ 1619 Project and diversity trainings

⁴⁴ Mike Gonzalez, *The Revolution Is Upon Us*, HERITAGE FOUND. (Sep. 7, 2020), <https://www.heritage.org/progressivism/commentary/the-revolution-upon-us> [<https://perma.cc/H3X7-M9M3>].

⁴⁵ Laura Meckler & Josh Dawsey, *Republicans, Spurred by an Unlikely Figure, See Political Promise in Targeting Critical Race Theory*, WASH. POST (June 21, 2021), <https://www.washingtonpost.com/education/2021/06/19/critical-race-theory-rufo-republicans>.

⁴⁶ See, e.g., CHRISTOPHER F. RUFO, AMERICA’S CULTURAL REVOLUTION: HOW THE RADICAL LEFT CONQUERED EVERYTHING 6-9 (2023).

⁴⁷ ISAAC KAMOLA, AM. ASS’N OF UNIV. PROFESSORS, MANUFACTURING BACKLASH: RIGHT-WING THINK TANKS AND LEGISLATIVE ATTACKS ON HIGHER EDUCATION, 2021-2023, at 26-37 (2024), https://www.aaup.org/sites/default/files/Manufacturing_Backlash_final_0.pdf [<https://perma.cc/X6TY-LDAE>].

⁴⁸ Jonathan Feingold & Joshua Weishart, *Discriminatory Censorship Laws*, 99 TUL. L. REV. 585, 590-91 (2025).

⁴⁹ Amy Reid, Jonathan Friedman, Laura Benitez & Jeffrey Adam Sachs, *Expanding the Web of Control*, PEN AM. (Jan. 15, 2026), <https://pen.org/report/americas-censored-campus-25-web-of-control/> [<https://perma.cc/QQ84-H58Z>].

⁵⁰ See Exec. Order No. 13950, 3 C.F.R. 433 (2021).

in their own states.⁵¹ It was within this context that then-Senator J.D. Vance delivered his well-traveled keynote, *The Universities are the Enemy*, at the National Conservatism Conference in 2021.⁵²

As a rhetorical matter, CRT took center stage in the GOP's post-2020 culture warring. But the broader civil rights project—i.e., the “DEI Regime”—was always the ultimate target, as Rufo outlined in a 2022 blog post: “[N]othing is more important for the success of American innovation and self-governance than prevailing over a regime that seeks to supplant ‘life, liberty, and the pursuit of happiness’ with ‘diversity, equity, and inclusion’ as the governing principle of the United States.”⁵³

Early efforts to link DEI with antisemitism had already emerged in Florida in 2022. That April, the state's Board of Education prohibited “theories that distort historical events.”⁵⁴ The Board included among those prohibited theories “the denial or minimization of the Holocaust, and the teaching of Critical Race Theory, meaning the theory that racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons.”⁵⁵ By positioning Holocaust denialism alongside CRT, Florida's Board of Education foreshadowed subsequent efforts to vilify antiracist theory and practice as a source of campus antisemitism.⁵⁶

The campaign to delegitimize and outlaw ideas about racism and economic inequality swept through GOP-controlled states. Yet by 2023, MAGA's anti-CRT campaign seemed to have hit a ceiling. Many educational institutions—particularly in blue states—remained publicly committed to DEI.⁵⁷ Even beyond

⁵¹ Don Wiener & Alex Kotch, *ALEC Inspires Lawmakers to File Anti-Critical Race Theory Bills*, EXPOSED BY CMD (July 27, 2021, at 13:14 CT), <https://www.exposedbycmd.org/2021/07/27/alec-inspires-lawmakers-to-file-anti-critical-race-theory-bills> [<https://perma.cc/6XFD-D3LX>].

⁵² NATIONAL CONSERVATISM, *supra* note 2; see Lauren Lassabe Shepard, ‘*The Universities Are the Enemy*’: Why the Right Detests the American Campus, *GUARDIAN* (May 6, 2025, at 10:00 ET), <https://www.theguardian.com/commentisfree/2025/may/06/maga-republicans-us-universities>.

⁵³ *The DEI Regime*, CHRISTOPHER F. RUFO (July 14, 2022), <https://christopherrufo.com/p/the-dei-regime>.

⁵⁴ 47 Fla. Admin. Reg. 2706 (June 14, 2021).

⁵⁵ *Id.*

⁵⁶ See Vimal Patel, *Does D.E.I. Help or Hurt Jewish Students?*, *N.Y. TIMES* (Jan. 22, 2025), <https://www.nytimes.com/2025/01/22/us/dei-jewish-students-campus-protests.html>.

⁵⁷ Whether institutional action backed those public commitments is another story. See generally Sonel Cutler et al., *Tracking Higher Ed's Dismantling of DEI*, *CHRON. HIGHER EDUC.* (Apr. 6, 2026), <https://www.chronicle.com/article/tracking-higher-eds-dismantling-of-dei> (tracking colleges' uneven rollback of DEI efforts under mounting political pressure).

liberal strongholds, pro-education and pro-student candidates were racking up victories against conservative opponents in local school board elections.⁵⁸

It turns out not everyone shared MAGA's nostalgia for the rigid hierarchies that once defined America's schools and society. This reflected the structural limits of Rufo's anti-antiracist culture war; even as it wreaked havoc on students, educators, and academic institutions in red states, it was never clear how the bigotry that animated anti-CRT fearmongering would penetrate sites of liberal power. For an aspiring dictator like President Trump, these sites of countervailing power—"areas where Trump does not control by ideology"—pose a serious problem.⁵⁹ The question was how to nationalize MAGA's anti-civil rights agenda.

October 7 offered an opening. For partisan opportunists like Rufo, Hamas' attack against Israel was a lucky break to exploit. It opened the door to recruit new allies—including influential Jewish organizations like the Anti-Defamation League ("ADL") and individual Jewish academics—and expand public scrutiny of left-wing movements by branding "ideologies" like antiracism and anti-capitalism as not just "anti-American," but also antisemitic. This rhetorical turn to "antisemitism" has proven to be one of the right's most successful strategies to crack liberal coalitions and pierce liberal institutions.

II. FROM "CRT IS RACIST" TO "DEI IS ANTISEMITIC"

On October 13, 2023, Rufo tweeted the battle plan: "Conservatives need to create a strong association between Hamas, B[lack] L[ives] M[atter], D[emocratic] S[ocialists of] A[merica], and academic 'decolonization' in the public mind. Connect the dots, then attack, delegitimize, and discredit. Make the center-left disavow them. Make them political untouchables."⁶⁰ This post was viewed 2.8 million times and received 12,000 likes and 3,300 reposts.⁶¹ When asked if he was simply "saying the quiet part out loud," Rufo quipped: "Yes."⁶²

A separate reply that earned Rufo's glee dropped a "Captain Planet" meme that pegged "Democrats" to the terms Hamas, Decolonizer, Trans, BLM, and Socialists.⁶³ The meme is almost too perfect. It distilled Rufo's strategy and

⁵⁸ Amanda Litvinov, *Who Were Big Winners in the 2023 Elections? Students and Educators!*, NEATODAY (Nov. 15, 2023), <https://www.nea.org/nea-today/all-news-articles/who-were-big-winners-2023-elections-students-and-educators> [<https://perma.cc/C2CL-U53Z>].

⁵⁹ Don Moynihan (@donmoyn.bsky.social), BLUESKY (June 11, 2025, at 06:16 ET), <https://bsky.app/profile/donmoyn.bsky.social/post/3lrd6hfsweu2g> [<https://perma.cc/5GVZ-R9TF>].

⁶⁰ Christopher F. Rufo (@christopherrufo), X (Oct. 13, 2023, at 17:10 ET), <https://x.com/christopherrufo/status/1712938775834185891> [<https://perma.cc/D3WT-JKEF>].

⁶¹ *Id.*

⁶² Christopher F. Rufo (@christopherrufo), X (Oct. 14, 2023, at 13:15 ET), <https://x.com/christopherrufo/status/1713242130091823185> [<https://perma.cc/UH46-REZU>] (reposted from Christopher F. Rufo, @christopherrufo).

⁶³ Image posted by Brick Suit (@brick_suit), X, *Accurate...* (Oct. 13, 2023, at 19:07 ET), https://x.com/Brick_Suit/status/1712968414254571742 [<https://perma.cc/72EQ-STK9>].

proved prologue to the heart of Trump's ongoing assault on universities and left-wing movements more broadly: "attack, delegitimize, and discredit" progressives by linking them and their ideas to the "terrorist" organization that attacked Israel. After years of disparaging BLM as violent and racist and maligning American universities as "woke" "Marxist" indoctrination factories, Rufo found the final ingredient: Hamas.

The right-wing echo-chamber responded.⁶⁴ Consider Mike Gonzalez, the above-referenced Heritage Foundation fellow and member of President Trump's 1776 Commission.⁶⁵ In addition to producing a steady stream of blog posts, Gonzalez had authored books with titles such as *BLM: The Making of a New Marxist Revolution* (2021)⁶⁶ and *The Plot to Change America: How Identity Politics is Dividing the Land of the Free* (2020).⁶⁷

In February 2023, Gonzalez was busy lambasting the "huckster" Nikole Hannah-Jones and a new Hulu series, *The 1619 Project*, that "makes exaggerated claims that support her larger narrative that America is an oppressive, racist society."⁶⁸ That September, Gonzalez published blog entries bearing titles like *How Marxist Left Captured Higher Education*⁶⁹ and *The Dangerous DEI Bloat at Virginia's Public Universities*.⁷⁰ Yet less than two weeks after October 7, Gonzalez fell in line with Rufo's marching orders; new pieces in Heritage's in-house blog included titles like *BLM's Support of Hamas*

⁶⁴ As one emblematic example, the editors of *The Record*, the news source that covers the Ohio State Senate, published an October 18, 2023, editorial titled *How Our College Campuses Became Hotbeds of Antisemitism: DEI Bureaucrats are Horrifically Misleading Students into Supporting Terrorists like Hamas*. Editorial, *How Our College Campuses Became Hotbeds of Antisemitism*, RECORD (Oct. 18, 2023), <https://ohiosenate.gov/news/on-the-record/how-our-college-campuses-became-hotbeds-of-antisemitism> [<https://perma.cc/5KJP-FMM6>].

⁶⁵ See Isaac Kamola, *Where Does the Bizarre Hysteria About 'Critical Race Theory' Come From? Follow the Money!*, INSIDE HIGHER ED (June 3, 2021), <https://www.insidehighered.com/blogs/just-visiting/guest-blog-where-does-bizarre-hysteria-about-%E2%80%99critical-race-theory%E2%80%99-come-follow> [<https://perma.cc/MUA8-7ECU>].

⁶⁶ See generally MIKE GONZALEZ, *BLM: THE MAKING OF A NEW MARXIST REVOLUTION* (2021).

⁶⁷ See generally MIKE GONZALEZ, *THE PLOT TO CHANGE AMERICA: HOW IDENTITY POLITICS IS DIVIDING THE LAND OF THE FREE* (2020).

⁶⁸ Mike Gonzalez, *'1619 Project' Is Back and as Slanderous as Ever! Hulu's New Series Is Yet Another Vehicle for Huckster Nikole Hannah-Jones to Turn White Guilt into Green Bucks—The Truth Be Damned*, DAILYMAIL (Feb. 7, 2023, at 16:47 ET), <https://www.dailymail.co.uk/news/article-11711567/MIKE-GONZALEZ-Huckster-Nikole-Hannah-Jones-turns-white-guilt-green-bucks-new-1619-Project.html> [<https://perma.cc/ED8Z-H3QC>].

⁶⁹ Mike Gonzalez, *How Marxist Left Captured Higher Education*, HERITAGE FOUND. (Oct. 3, 2023), <https://www.heritage.org/education/commentary/how-marxist-left-captured-higher-education> [<https://perma.cc/8VD9-EY4J>].

⁷⁰ Jay Greene & Mike Gonzalez, *The Dangerous DEI Bloat at Virginia's Public Universities*, HERITAGE FOUND. (Sep. 21, 2023), <https://www.heritage.org/education/report/the-dangerous-dei-bloat-virginias-public-universities> [<https://perma.cc/4DAV-DNMN>].

*Is Perfectly in Line With Its Goals*⁷¹ and *BLM and Palestinian Groups Are Cut From the Same Radical Cloth*.⁷² Neither piece offered serious analysis or critique. The later piece, for example, presented BLM protesters as pro-Hamas based on the observation that “Palestinian activists were in Ferguson, Missouri, in 2014.”⁷³

Like Gonzalez, Lindsey Burke discovered a new interest in antisemitism post-October 7, 2023. Burke is the current Deputy Chief of Staff for Policy and Programs in the Department of Education and previously served as the director of the Center for Education Policy at the Heritage Foundation. Burke also authored *Project 2025*’s chapter on education.⁷⁴ In its entirety, *Project 2025*’s nine hundred pages reference “critical race theory” over twenty times, “woke” over thirty times, and “equity” over ninety times.⁷⁵ Minus one throwaway reference to “Hamas” and “Palestinian Islamic Jihad,” there is no engagement with Israel/Palestine or antisemitism.⁷⁶ Yet in a pair of 2024 blog posts, Burke echoed Gonzalez’s rhetoric when she characterized pro-Palestinian protests as “antisemitic mobs” and “acts of terrorism” that constitute a “nascent pogrom against the Jews.”⁷⁷ Burke separately labeled pro-Palestinian student protesters “left-wing antisemites” akin to the “small number of extreme right-wing demonstrators” who led the 2017 “Unite the Right” rallies and engaged in antisemitic chants.⁷⁸

⁷¹ Mike Gonzalez, *BLM’s Support of Hamas Is Perfectly in Line With Its Goals*, HERITAGE FOUND. (Oct. 20, 2023), <https://www.heritage.org/middle-east/commentary/blms-support-hamas-perfectly-line-its-goals> [<https://perma.cc/XE58-62GJ>].

⁷² Mike Gonzalez, *BLM and Palestinian Groups Are Cut From the Same Radical Cloth*, HERITAGE FOUND. (Oct. 30, 2023), <https://www.heritage.org/progressivism/commentary/blm-and-palestinian-groups-are-cut-the-same-radical-cloth> [<https://perma.cc/N4K4-YZBU>].

⁷³ *Id.*

⁷⁴ Josh Moody, *Va. House Speaker Seeks Removal of Project 2025 Co-Author from GMU Board*, INSIDE HIGHER ED (Aug. 7, 2024), <https://www.insidehighered.com/news/quick-takes/2024/08/07/va-dem-seeks-removal-project-2025-co-author-gmu-board> [<https://perma.cc/RX F2-XUC5>]. See generally Lindsey M. Burke, *Department of Education*, in MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE (Paul Dans & Steven Groves eds., 2023) [hereinafter PROJECT 2025], https://static.heritage.org/project2025/2025_MandateForLeadership_FULL.pdf [<https://perma.cc/3S4L-B7YZ>] (arguing federal education policy should be limited and Department of Education ultimately eliminated).

⁷⁵ See generally PROJECT 2025, *supra* note 74 (outlining comprehensive conservative blueprint to restructure federal government).

⁷⁶ Kiron K. Skinner, *Department of State*, in PROJECT 2025, *supra* note 74, at 185.

⁷⁷ Lindsey Burke & Connor Semelsberger, *Top 5 Ways Congress Can Respond to Campus Riots*, DAILY SIGNAL (May 2, 2024), <https://www.dailysignal.com/2024/05/02/top-5-ways-congress-can-respond-to-campus-riots> [<https://perma.cc/Z73N-XDEP>]; Paul J. Larkin & Lindsey Burke, *How to Stop the Campus Antisemitism Cascade*, DAILY SIGNAL (May 1, 2024), <https://www.dailysignal.com/2024/05/01/how-stop-campus-antisemitism-cascade> [<https://perma.cc/KB5L-FC2J>].

⁷⁸ Larkin & Burke, *supra* note 77.

The GOP's feigned outrage first crescendoed in December 2023 when Virginia Foxx's House Committee called three university presidents (all women) to testify about the alleged surge of antisemitism on their campuses.⁷⁹ Among them was Harvard's first African American president, Claudine Gay, who appeared ambushed when Elise Stefanik turned the hearing into political theater.⁸⁰ Criticism came from Democratic representatives as well, who largely reinforced the GOP effort to frame pro-Palestine advocacy as anti-Jewish.⁸¹ High profile donors like billionaire Bill Ackman piled on. Ackman used his outsized influence to oust Gay through a smear campaign that deployed racist stereotypes and anti-DEI tropes—including the claim that she was only hired because she is a Black woman.⁸²

Rufo would later gloat that he and a small group of right-wing activists collaborated to get Gay removed from her position as Harvard's president.⁸³ They pushed a story about plagiarism through right-wing media, then admonished the mainstream press for not taking their unserious allegations seriously.⁸⁴ Once *CNN*, *The New York Times*, *The Washington Post*, and others started rehearsing Rufo's "concerns," it was just a matter of time.

In a subsequent interview, Rufo outlined how he had developed a potent recipe for stoking controversy around "culture war" issues, be it CRT, DEI, or antisemitism, to take out political opponents and discredit liberal institutions—including American universities.⁸⁵ He gloated:

I've run the same playbook on critical race theory, on gender ideology, on DEI bureaucracy. For the time being, given the structure of our institutions,

⁷⁹ Katherine Knott, *3 Presidents on the Hot Seat*, INSIDE HIGHER ED (Dec. 5, 2023), <https://www.insidehighered.com/news/government/2023/12/05/house-republicans-castigate-presidents-harvard-penn-and-mit> [https://perma.cc/8358-ZMTM].

⁸⁰ See *id.*

⁸¹ Stephanie Saul & Anemona Hartocollis, *College Presidents Under Fire After Dodging Questions About Antisemitism*, N.Y. TIMES (Dec. 6, 2023), <https://www.nytimes.com/2023/12/06/us/harvard-mit-penn-presidents-antisemitism.html> (noting Democratic politicians who found testimony responses unacceptable); see also Summer Concepcion & Julie Tsirkin, *Democrats Criticize Rep. Rashida Tlaib for Her Pro-Palestinian Comments*, NBC NEWS (Nov. 5, 2023, at 17:03 ET), <https://www.nbcnews.com/politics/congress/rep-rashida-tlaib-faces-criticism-democrats-palestinian-remarks-rcna123735> [https://perma.cc/7BA8-KK6U] (reporting Democratic criticism of Democratic Representative Rashida Tlaib's pro-Palestinian rhetoric as offensive, hurtful, or supportive of antisemitic themes).

⁸² Maureen Farrell & Rob Copeland, *Bill Ackman's Campaign Against Harvard Followed Years of Resentment*, N.Y. TIMES (Dec. 12, 2023), <https://www.nytimes.com/2023/12/12/business/bill-ackman-harvard-antisemitism.html>.

⁸³ Ian Ward, *We Sat Down with the Conservative Mastermind Behind Claudine Gay's Ouster*, POLITICO (Jan. 3, 2024, at 11:20 ET), <https://www.politico.com/news/magazine/2024/01/03/christopher-rufo-claudine-gay-harvard-resignation-00133618>.

⁸⁴ *Id.*

⁸⁵ See Keeanga-Yamahatta Taylor, *The Campaign Against D.E.I.*, NEW YORKER (Jan. 22, 2024), <https://www.newyorker.com/news/our-columnists/the-campaign-against-dei> ("For critics of the former Harvard president Claudine Gay, a larger goal was always in sight.").

this is a universal strategy that can be applied by the right to most issues. I think that we've demonstrated that it can be successful.⁸⁶

Rufo would later acknowledge that "I don't think we would have seen anything nearing the level of backlash against these institutions had it not been for Bill Ackman."⁸⁷ Rufo received another boost in November 2024 when Ackman told his 1.5 million Twitter followers that "Yale is no different than Hamas."⁸⁸

A month prior, on October 7, 2024, Heritage codified MAGA's blue state strategy with the publication of *Project Esther*, the organization's so-called "national strategy to combat antisemitism."⁸⁹ Early critics warned that leading Christian nationalists drafted the document,⁹⁰ which outlined how to delegitimize and criminalize social justice, civil society, and pro-democracy organizations by labeling them "decidedly antisemitic, anti-Israel, and anti-American" and linking them through the invented moniker "Hamas Support Network" ("HSN").⁹¹ The HSN includes pro-Palestinian student groups like National Students for Justice in Palestine and Jewish Voice for Peace, which Heritage characterized as "recruiting members; disseminating propaganda; coordinating and conducting rallies; leading demonstrations; and intimidating Jews, academic administrations, and local governments."⁹² Evoking Rufo's post-October 7 call to link antiracism and Hamas, Project Esther explicitly connects campus antisemitism to DEI:

[Hamas Support Organizations] have infiltrated their ideology into the U.S. education system across all levels. It is pervasive. The U.S. education system fosters antisemitism under the guise of "pro-Palestinian," anti-Israel, anti-Zionist narratives across universities, high schools, and elementary schools, often under the umbrella or within the rubric of diversity, equity, and inclusion (DEI) and similar Marxist ideology.⁹³

Project Esther is open about the endgame: engender the common sense that pro-Palestine protests, the ideas that inform them, the individuals that join them,

⁸⁶ *Id.*

⁸⁷ Farrell & Copeland, *supra* note 82.

⁸⁸ Bill Ackman (@BillAckman), X (Nov. 12, 2024, at 09:39 ET), <https://x.com/BillAckman/status/1856346168751489201> [<https://perma.cc/46HL-NL6K>].

⁸⁹ *Project Esther: A National Strategy to Combat Antisemitism*, HERITAGE FOUND. (Oct. 7, 2024), <https://www.heritage.org/progressivism/report/project-esther-national-strategy-combat-antisemitism> [<https://perma.cc/WE4H-DQ9L>].

⁹⁰ See Dove Kent, *The Group Behind Project 2025 Has a Plan to Protect Jews. It Will Do the Opposite.*, FORWARD (Nov. 19, 2024), <https://forward.com/opinion/676036/antisemitism-heritage-foundation-project-esther>.

⁹¹ NAT'L TASK FORCE TO COMBAT ANTISEMITISM, PROJECT ESTHER: A NATIONAL STRATEGY TO COMBAT ANTISEMITISM 8 (2024) [hereinafter PROJECT ESTHER], <https://www.heritage.org/sites/default/files/2024-10/Project%20Esther.pdf> [<https://perma.cc/9738-RLYD>].

⁹² *Id.*

⁹³ *Id.* at 10; see *supra* notes 60-63 and accompanying text (describing Rufo's call to link Hamas, BLM, and academic "decolonization" in public mind).

and the institutions that accommodate them, demand moral condemnation and state suppression.⁹⁴ “[W]hen most Americans hear ‘Klan,’ they immediately associate this homegrown American hate group with ‘bad.’”⁹⁵ The same is true of terrorism after “9/11 and more than 20 years of the global war on terrorism . . . when Americans hear ‘ Hamas Supporters’ or ‘ Hamas Support Network,’” they should immediately see that organization as outside the realm of normal politics.⁹⁶

The irony, of course, is that *Project Esther*—like its prologue *Project 2025*—buttresses a right-wing effort to reinstate the rigid racial and gender hierarchies that the Ku Klux Klan defended through state policy and vigilante violence.⁹⁷ And the anti-war, anti-colonial, and anti-racist movements that blossomed on university campuses in the 1960s were then often derided as anti-American, only to garner public and institutional support years later.⁹⁸

As noted above, MAGA’s blue state strategy always required more than message discipline and amplification on the right. It also needed, in Rufo’s words, that “the center-left disavow” those who demand justice—including the students who protested their universities’ complicity in Israel’s genocidal campaign in Gaza.⁹⁹ Leading Democratic politicians, mainstream media outlets, and university administrators were all too quick to oblige.

III. THE DEMOCRATS OBLIGED

On December 11, 2023, *New York Times* columnist Jonathan Weisman penned an article titled *Is Anti-Zionism Always Antisemitic? A Fraught Question for the Moment*.¹⁰⁰ For those who watched the media greet Rufo’s transparent anti-CRT smear campaign by asking “Should schools teach Critical Race Theory?,” the column triggered unwelcome déjà vu.

Jewish anti-Zionism is no more or less antisemitic than Jewish Zionism.¹⁰¹ Though as historian Marjorie Feld has documented, for much of the twentieth century, mainstream American Jewish Zionist organizations marginalized critics

⁹⁴ PROJECT ESTHER, *supra* note 91, at 20.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ See Ray, *supra* note 23.

⁹⁸ Lydia Saad, *Gallup Vault: Hawks vs. Doves on Vietnam*, GALLUP (May 24, 2016), <https://news.gallup.com/vault/191828/gallup-vault-hawks-doves-vietnam.aspx> (showing steady increase in public disapproval for Vietnam War in its last years).

⁹⁹ Christopher F. Rufo (@christopherrufo), *supra* note 60; cf. Molly Quell, *Leading Genocide Scholars Organization Says Israel is Committing Genocide in Gaza*, PBS (Sep. 1, 2025, at 11:36 ET), <https://www.pbs.org/newshour/world/leading-genocide-scholars-organization-says-israel-is-committing-genocide-in-gaza>.

¹⁰⁰ Jonathan Weisman, *Is Anti-Zionism Always Antisemitic? A Fraught Question for the Moment*, N.Y. TIMES (Dec. 11, 2023), <https://www.nytimes.com/2023/12/10/us/politics/anti-zionism-antisemitism.html>.

¹⁰¹ See generally JEWISH ANTI-ZIONISM, A HISTORICAL ANTHOLOGY (Shaul Magid & Ziv Mishell eds., 2026) (collecting Jewish anti-Zionist writings from 1890s to present).

of Zionism in the name of Jewish safety—even branding their Jewish anti-Zionist colleagues as antisemites to silence intra-communal dissent.¹⁰² These often tendentious accusations came from organizations like the ADL, which has long targeted dissident American Jews who criticized Israel’s ethno-nationalist policies and human rights violations.¹⁰³

One example of this dynamic appears in *The New Anti-Semitism*, a 1974 book by former ADL leaders Arnold Forster and Benjamin Epstein.¹⁰⁴ In their telling, “The Radical Left . . . poses a threat to the Jewish people. It is committed to the liquidation of Israel.”¹⁰⁵ For those wondering what the “liquidation of Israel” entails, Forster and Epstein reveal that according to the anti-Zionists they attack, “liquidation of Israel” entails the creation of a “democratic, secular Palestine.”¹⁰⁶

Beyond posing the question “Is anti-Zionism antisemitism?,” Weisman also identified the core of the GOP strategy: “The question deeply divided congressional Democrats last week when Republican leaders, seeking to drive a wedge between American Jews and the political party that three-quarters of them call their own, put it to a vote in the House.”¹⁰⁷

This strategy yielded immediate results—in part because debates surrounding antisemitism, Zionism, and support for Israel continue to divide Jewish Americans. But also because Democratic leadership, reminiscent of the ADL’s Forster and Epstein, have censured their own colleagues and segments of their base for criticizing Israel—a practice that pre-existed the GOP’s post-October 7 efforts to code pro-Palestine protests as “presumptively antisemitic.”¹⁰⁸

One illustrative exchange occurred on the House floor in September 2021. During debate over a defense bill that would have appropriated funding for Israel’s military operations, Democratic Representative Rashida Tlaib, Congress’s lone Palestinian American, opposed the measure: “I firmly believe our country must oppose selling weapons to anyone anywhere without human rights law compliance. The Israeli Government is an apartheid regime—not my words, the words of Human Rights Watch and Israel’s own human rights organization B’Tselem.”¹⁰⁹ Chuck Fleischmann, a Tennessee Republican, called Tlaib part of a “radical left wing that does not support Israel, that does not

¹⁰² See MARJORIE N. FELD, *THE THRESHOLD OF DISSSENT: A HISTORY OF AMERICAN JEWISH CRITICS OF ZIONISM* 15-20 (2024).

¹⁰³ *Id.*

¹⁰⁴ See generally ARNOLD FORSTER & BENJAMIN R. EPSTEIN, *THE NEW ANTI-SEMITISM* (1974) (arguing “new” antisemitism emerged from left-wing groups aligned with global anticolonial struggles).

¹⁰⁵ *Id.* at 125.

¹⁰⁶ *Id.* at 125, 129.

¹⁰⁷ Weisman, *supra* note 100.

¹⁰⁸ See Jonathan Martin, *Prominent Democrats Form Pro-Israel Group to Counter Skepticism on the Left*, N.Y. TIMES (Jan. 28, 2019), <https://www.nytimes.com/2019/01/28/us/politics/democrats-israel-palestine.html>; PLITNICK & AZIZ, *supra* note 9, at 31.

¹⁰⁹ 167 CONG. REC. H5111 (daily ed. Sep. 23, 2021) (statement of Rep. Rashida Tlaib).

support the Jewish people. It does not support their right, their inherent right to exist.”¹¹⁰

This is the precise conceptual slippage—the rhetorical move that reframes criticism of Israel as hostility to Jewish people—that gives oxygen to the GOP’s antisemitism talking points.¹¹¹ It is the logic that Tom Cotton trades on when he characterizes former Columbia student Mahmoud Khalil as a “pro-Hamas foreigner who has made life hell for Jews on campus.”¹¹² It is the logic House Leader Mike Johnson invokes when says: “Free Palestine . . . the chant of a violent movement that has found common cause with Hamas. . . . They proclaim that violence is righteous, that rape is justice and that murder is liberation. They have created a culture of lies that puts a bounty on the heads of peace-loving Jewish Americans.”¹¹³

In early November 2023, Tlaib published a Tweet calling the violence in Gaza a genocide and including a video of protesters chanting “from the river to the sea.”¹¹⁴ The rebuke came from Republicans and Democrats. President Biden’s press secretary condemned the post as “hurtful to many” and the GOP-led House, with twenty-two Democrats, censured Tlaib.¹¹⁵

Similar dynamics emerged on university campuses, where many institutional insiders levied accusations of antisemitism against students and colleagues who supported Palestinian liberation or criticized Israel or Zionism.¹¹⁶ These

¹¹⁰ *Id.* at H5114 (statement of Rep. Chuck Fleischmann).

¹¹¹ Daniel May, *The Tangled Knot of Anti-Zionist Violence*, JEWISH CURRENTS (June 11, 2025), <https://jewishcurrents.org/the-tangled-knot-of-anti-zionist-violence> [<https://perma.cc/26A5-3QHF>].

¹¹² Tom Cotton (@TomCottonAR), X (Mar. 11, 2025, at 11:28 ET), <https://x.com/TomCottonAR/status/1899482652891029809> [<https://perma.cc/W35J-WBTR>] (reposted from Senate Judiciary Democrats, @JudiciaryDems).

¹¹³ Marc Rod, *Mike Johnson: Anti-Israel Movement ‘Puts a Bounty on the Heads’ of Jewish Americans*, JEWISH INSIDER (June 10, 2025), <https://jewishinsider.com/2025/06/mike-johnson-anti-israel-movement-bounty-on-jewish-americans-hakeem-jeffries-yaron-lischinsky-sarah-milgrim> [<https://perma.cc/5H3H-8B5E>].

¹¹⁴ Video posted by Rashida Tlaib (@RashidaTlaib), X, @POTUS, *the majority of the American people are not with you on this one. #CeasefireNow* (Nov. 3, 2023, at 15:17 ET), <https://x.com/RashidaTlaib/status/1720520713226908144> (on file with the Boston University Law Review).

¹¹⁵ Lauren Sforza, *White House Rejects Use of Phrase ‘from the River to the Sea,’* HILL (Nov. 8, 2023, at 22:17 ET), <https://thehill.com/homenews/administration/4301142-white-house-rejects-from-the-river-to-the-sea>.

¹¹⁶ Such claims were always contested, including by the Jewish students and faculty engaged in Palestine solidarity protests. *See, e.g.,* Melani Cammet, Ryan D. Enos & Steven Levitsky, *Don’t Bully Students with Dissenting Views. Protect Them*, HARV. CRIMSON (Oct. 16, 2023), <https://www.thecrimson.com/article/2023/10/16/cammett-enos-levitsky-dissenting-views> [<https://perma.cc/DZ3U-LZPZ>]; Letter from Concerned Jewish Fac. & Staff to Pol. Leaders (May 2024) [hereinafter Concerned Jewish Fac. Letter], <https://www.concernedjewishfaculty.org/statement-from-cjfs-against-antisemitism> [<https://perma.cc/8QBA-2445>] (“Criticism of the state of Israel, the Israeli government, policies of the Israeli government, or Zionist ideology is not—in and of itself—antisemitic.”).

accusations often came from polemical figures and prominent Jewish organizations known for their hostility toward Jewish anti-Zionism or campus diversity initiatives.¹¹⁷

A distinct category included university leaders like Erwin Chemerinsky, the dean of U.C. Berkeley School of Law.¹¹⁸ Chemerinsky is one of the most well-respected deans in the country. The sentiment is deserved. Chemerinsky, who is Jewish, has been a steadfast advocate for civil rights and civil liberties with decades of demonstrated care for colleagues, students, and the institutions he has led.¹¹⁹

Chemerinsky's reputation positioned him differently than controversial Jewish academics like Harvard University's Lawrence Summers.¹²⁰ Summers enjoyed a sizable platform, but he lacked Chemerinsky's civil rights bonafides and record as a trusted institutional steward. The distinction arguably granted

¹¹⁷ This includes individuals like former Harvard University President Lawrence Summers and organizations like Harvard University's Hillel and Chabad. *See, e.g.,* Stephanie Ebbert & Deidre Fernandes, *Larry Summers Was Ousted as Harvard President. He Has a Lot to Say About What's Wrong with the University Now*, BOS. GLOBE (Mar. 21, 2024), <https://www.bostonglobe.com/2024/03/21/metro/larry-summers-vocal-critic-of-harvard-successors>. The Harvard Chabad described multiple academic units as "essentially function[ing] as Hamas or Palestinian embassies." *See* Yonat Shimron, *Two Admins at Harvard Divinity School Leave, One Cites anti-Muslim Bias*, CHRISTIAN CENTURY (Feb. 7, 2025), <https://www.christiancentury.org/news/two-admins-harvard-divinity-school-leave-one-cites-anti-muslim-bias> (quoting Harvard Chabad (@harvardchabad), INSTAGRAM (June 6, 2024), <https://www.instagram.com/p/C8sgd1HStcc>). The Executive Director of Harvard's Hillel, "who had denounced pro-Palestinian protests and accused the university of furthering antisemitism against Jewish students," celebrated the departures of three members of Harvard's Religion and Public Life program—individuals he described as "three of the most vocal anti-Zionists" on campus. *Id.* (quoting Letter from Jason Rubenstein, Exec. Dir., Harv. Hillel, to Harv. Jewish Cmty. (Feb. 4, 2025) (on file with the Boston University Law Review)).

¹¹⁸ *Cf.* Kim Kozlowski, *U-M Faculty Slam President's Apology for Faculty Leader's Commencement Speech*, BRIDGE MICH. (May 4, 2026), <https://bridgemi.com/talent-education/u-m-faculty-slam-presidents-apology-for-faculty-leaders-commencement-speech> [<https://perma.cc/97AV-3E4W>] (detailing turmoil after University of Michigan's president publicly denounced faculty member's graduation speech which applauded pro-Palestine protesters).

¹¹⁹ *See Erwin Chemerinsky to Receive the 2025 ABF Fellows Outstanding Scholar Award*, AM. BAR FOUND. (Jan. 16, 2025), <https://www.americanbarfoundation.org/erwin-chemerinsky-to-receive-the-2025-abf-fellows-outstanding-scholar-award> [<https://perma.cc/C4J9-QKH4>]; William Cracraft, *Erwin Chemerinsky Awarded Prestigious 2023 John P. Frank Award*, U.S. CTS. FOR NINTH CIR. (Sep. 5, 2023), <https://www.ca9.uscourts.gov/circuit-executive/2023-john-frank-award> [<https://perma.cc/4XWY-VEQZ>].

¹²⁰ *See supra* notes 117-19 (contrasting reputations of figures like Summers and Chemerinsky, respectively); *see also* Brandon Drenon, *Ex-Treasury Secretary Larry Summers Quits Harvard Over Epstein Probe*, BBC (Feb. 25, 2026), <https://www.bbc.com/news/articles/cn716zkyddeo> [<https://perma.cc/EFQ9-HB5V>] (reporting Summers will resign from his roles at Harvard "after its review into his ties with convicted sex offender Jeffrey Epstein").

Chemerinsky unique purchase to shape—to entrench or trouble—rising public narratives that had already begun to code campus protests as inherently anti-Jewish.

On October 29, 2023, Chemerinsky urged fellow administrators to “speak out against the antisemitism that is rampant now.”¹²¹ To evidence the “rampant” antisemitism, Chemerinsky referenced “[s]tudents regularly chant[ing] ‘from the river to the sea, Palestine will be free’” and the “oft-repeated mantra . . . that Israel is a settler colonialist country and should be forced to give the land back to the Palestinians.”¹²² “I do know,” wrote Chemerinsky, “that calling for the total elimination of Israel is antisemitic.”¹²³ A year later, Chemerinsky penned a *New York Times* editorial that described pro-Palestine protests “as largely the celebration of the coldblooded murder and torture of innocent civilians.” The piece also seemed to analogize protesters to a “Ku Klux Klan gathering on a college campus celebrating white supremacist violence.”¹²⁴

It would have been one thing to explain, with care and nuance, why some Jewish community members experienced post-October 7 protests as antisemitism. Such an intervention could have invited empathy and understanding without distorting protesters’ substantive appeals or treating the experience of *some* Jewish Zionists as *the* Jewish experience. This approach would have had the broader benefit of disrupting essentialist depictions of Jewish identity (i.e., conflating Jewishness with Israel or Zionism) and clarifying that the primary fault lines of campus protest were ideological (i.e., Zionist vs. anti-Zionist), not identitarian (i.e., Jewish vs. Palestinian).

The aforementioned editorials did not deepen the conversation. Instead, they flattened Jewish identity and stripped context from the protests Chemerinsky decried. Thus, even as Chemerinsky contemporaneously opposed censorship and exhibited empathy for Muslim, Arab and Palestinian perspectives,¹²⁵ by

¹²¹ Erwin Chemerinsky, Opinion, *Nothing Has Prepared Me for the Antisemitism I See on College Campuses Now*, L.A. TIMES (Oct. 29, 2023, at 10:47 PT), <https://www.latimes.com/opinion/story/2023-10-29/antisemitism-college-campus-israel-hamas-palestine>.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Erwin Chemerinsky, *College Officials Must Condemn On-Campus Support for Hamas Violence*, N.Y. TIMES (Oct. 20, 2024), <https://www.nytimes.com/2024/10/20/opinion/hamas-colleges-free-speech.html>. The editorial elicited rebukes from the *Berkeley Journal of Black Law and Policy* and the Berkeley Law Jews for Palestine. See Berkeley J. of Black L. & Pol’y & Berkeley L. Jews for Pal., “Hypocritical and Insulting”: Black and Jewish Students at Berkeley Law Say Dean Chemerinsky Uses Them as Props to Vilify Palestine Solidarity Movement, DAILY CALIFORNIAN (Oct. 25, 2024), https://www.dailycal.org/opinion/op-eds/hypocritical-and-insulting-black-and-jewish-students-at-berkeley-law-say-dean-chemerinsky-uses-them/article_9cbe4ccc-9299-11ef-bec1-83f03a661cc9.html [<https://perma.cc/V8RK-LW6M>].

¹²⁵ For example, in December 2023, Chemerinsky and U.C. Irvine Chancellor Howard Gillman reported that Biden’s Department of Education had advised universities “that statements from protesters such as ‘From the river to the sea, Palestine will be free’—which are clearly constitutionally protected—likely create a hostile environment for Jewish

framing the language and analysis animating student calls to end Jewish supremacy in Israel as undeniable hate speech, Chemerinsky's descriptive account echoed that of rightwing figures like Elise Stefanik and Christopher Rufo. Chemerinsky also discursively erased Jewish students—including his own—who protested for Palestine.¹²⁶

To appreciate this discursive erasure, consider a group of Brown University Jewish students who penned an open letter in November 2023 that outlined their vision of a free Palestine:

“From the river to the sea, Palestine will be free” is not a call for the forced removal of Jews from Palestine or, as it is commonly misconstrued, a call to “throw Jews into the sea;” instead, it is a call for the end to the oppression of all Palestinians—in Gaza, the West Bank and within the Green Line. Liberating all of Palestine requires revolutionary change: *not an eradication of Jews from the land, but a total dismantlement of the apartheid regime occupying it* If calling for a future in which Palestinians can live in their homeland unshackled implies an existential threat to the Zionist ideology, it is that ideology that must be called into question—not the call for liberation.¹²⁷

We cannot measure the impact of any single voice. But it is hard to imagine that public statements from trusted institutional figures did not harden public narratives that presented campus protests as presumptively antisemitic. As professor Noah Zatz remarked in November 2023, slogans like “Free Palestine” and “from the river to the sea” “formed the centerpiece of extensive media coverage alleging widespread antisemitism on university campuses.”¹²⁸ Professor Shirin Sinnar would later observe that

students.” Erwin Chemerinsky & Howard Gillman, Opinion, *Federal Attempt to Combat Anti-Semitism Puts Universities in an Untenable Position*, SACRAMENTO BEE (Dec. 12, 2023, at 06:00 PT), <https://www.sacbee.com/opinion/op-ed/article282921393.html> [<https://perma.cc/TP67-A885>]. The authors noted that no similar guidance had been directed at “protesters who chant ‘We stand with Israel,’” even though “some Muslim, Arab and Palestinian students similarly feel threatened by” such statements. *Id.*

¹²⁶ See Chemerinsky, *supra* note 124 (“As I listen to my Jewish students and their reaction to celebrations of Hamas, I have no doubt that they perceive a hostile environment.”); Berkeley J. of Black L. & Pol’y & Berkeley L. Jews for Pal., *supra* note 124 (“We demand that Dean Chemerinsky stop referring to ‘(his) Jewish students’ as a monolith — we refuse the Zionist monopolization of Jewish identity at Berkeley and everywhere.”).

¹²⁷ *An Open Letter from Jewish Students*, BROWN DAILY HERALD (Nov. 7, 2023, at 23:10 ET), <https://www.browndailyherald.com/article/2023/11/an-open-letter-from-jewish-students> [<https://perma.cc/34MY-BQZX>].

¹²⁸ Noah Zatz, *Palestinian Freedom, Antisemitism Accusations, and Civil Rights Law*, LAW & POL. ECON. PROJECT: BLOG (Nov. 20, 2023), <https://lpeproject.org/blog/palestinian-freedom-antisemitism-accusations-and-civil-rights-law> [<https://perma.cc/257U-APFX>] (“Those seeking to repress such protest treat these slogans *as if* they called for Jewish death purely because they entail anti-Zionism in the sense described above. This sleight of hand is facilitated by the language of ‘elimination’ or ‘destruction’ of the specifically and exclusively

“[c]ommentators extrapolated from specific incidents of antisemitism . . . to tarnish the pro-Palestine student movement as a whole.”¹²⁹

The ADL, perhaps the nation’s most prominent Jewish organization, was never far from the scene. Throughout 2023, the ADL counted any act of Palestine solidarity or criticism of Israel as an “antisemitic incident” in its annual “antisemitism audit.”¹³⁰ But the organization’s campaign to delegitimize Jewish anti-Zionists began well before October 7. In May 2022, ADL President Jonathan Greenblatt was seeding the discourse that would anchor censorial projects like *Project Esther*—in part by proclaiming without equivocation that “antizionism is antisemitism.”¹³¹

In a December 2024 address to Republican attorneys general, Greenblatt delivered a line that would have made Rufo proud: “There is a throughline from Occupy Wall Street to BLM to ‘defund the police’ to ‘River to the Sea,’” Greenblatt said, “They are the same people, these are the same kind of nihilists.”¹³² Even the word “nihilist” appears in Project Esther’s description of its conjured Hamas Support Network.¹³³ Greenblatt also demonized pro-Palestinian groups like Jewish Voice for Peace (“JVP”), the Council on American Islamic Relations (“CAIR”), and Students for Justice in Palestine (“SJP”) as “extremists” that “epitomize the Radical Left” and comprise “the photo inverse of the Extreme Right that ADL has long tracked.”¹³⁴

Based on its expansive redefinition of antisemitism that conflated antisemitism with anti-Zionism, the ADL issued a January 2024 press release claiming that antisemitic incidents had increased 360% since October 2023.¹³⁵ Three months later, the ADL released its 2023 audit and reported 8,873

Jewish character of the Israeli state, as if that necessarily entails elimination or destruction of the Jewish lives such a state privileges over Palestinian ones.”).

¹²⁹ Shirin Sinnar, *Campus Protests and the Rule of Law*, 87 LAW & CONTEMP. PROBS. 117, 125 (2025).

¹³⁰ Shane Burley & Naomi Bennet, *Examining the ADL’s Antisemitism Audit*, JEWISH CURRENTS (June 17, 2024), <https://jewishcurrents.org/examining-the-adls-antisemitism-audit> [<https://perma.cc/V8PV-KGPL>].

¹³¹ Jonathan Greenblatt, Dir., Anti-Defamation League, Remarks to the ADL Virtual National Leadership Summit (May 1, 2022), <https://www.adl.org/remarks-jonathan-greenblatt-adl-virtual-national-leadership-summit> [<https://perma.cc/8PQA-TUYG>].

¹³² Arno Rosenfeld & Jacob Kornbluh, *Exclusive: ADL Chief Compares Student Protestors to ISIS and Al-Qaida in Address to Republican Officials*, FORWARD (June 6, 2025), <https://forward.com/news/726133/greenblatt-adl-protesters-terrorists> [<https://perma.cc/35C4-EZ7U>].

¹³³ PROJECT ESTHER, *supra* note 91, at 3.

¹³⁴ See Rosenfeld & Kornbluh, *supra* note 132.

¹³⁵ Press Release, Anti-Defamation League, U.S. Antisemitic Incidents Skyrocketed 360% in Aftermath of Attack in Isr., According to Latest ADL Data (Jan. 17, 2024), <https://www.adl.org/resources/press-release/us-antisemitic-incidents-skyrocketed-360-aftermath-attack-israel-according> [<https://perma.cc/ZF9E-2CVN>].

antisemitic incidents in 2023, more than double the number reported in the prior year and most on record since the ADL began collecting statistics in 1979.¹³⁶

The figures made headlines and reinforced a dominant narrative that misrepresented the reality on the ground. A *CNN* headline read, *Antisemitic Incidents in the US Reached Record High Last Year, up 140% from 2022, ADL Says*.¹³⁷ *U.S. News & World Report* reported that antisemitism had reached record highs.¹³⁸

The actual data told a different story. As *The Forward* reported, the purported rise in antisemitism following October 7 traced largely to the ADL's altered criteria.¹³⁹ The ADL even acknowledged that it "significantly broadened its definition of antisemitic incidents following the October 7 Hamas attack to include rallies that feature 'anti-Zionist chants and slogans.'"¹⁴⁰ These incidents account for 40% of ADL-reported incidents of antisemitism.¹⁴¹ Separate reporting from *Jewish Currents* yielded similar conclusions.¹⁴²

In short, students protested their universities' complicity with Israel's human rights abuses in Gaza. The ADL labeled student protesters pro-Hamas antisemites. The media and university insiders obliged.

By April 2024, the ADL openly blamed Jewish student groups for the purported surge in antisemitism across higher education.¹⁴³ As protests spiked that month, congressional Republicans leveraged the opportunity to further politicize higher education and silence dissent. By the end of April, universities began deploying militarized force against their students and faculty—many of

¹³⁶ *Audit of Antisemitic Incidents 2023*, ANTI-DEFAMATION LEAGUE (Apr. 16, 2024), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023> [<https://perma.cc/D4LW-ZNVT>].

¹³⁷ Nicole Chavez, *Antisemitic Incidents in the US Reached Record High Last Year, up 140% from 2022, ADL Says*, *CNN* (Apr. 16, 2024, at 06:05 ET), <https://www.cnn.com/2024/04/16/us/adl-antisemitism-2023-audit-rea/index.html> [<https://perma.cc/G434-AMMU>].

¹³⁸ Aneeta Mathur-Ashton, 'A Shocking Number': *Antisemitic Incidents Reach Record Highs in Year After Hamas Attacks*, *U.S. NEWS* (Oct. 7, 2024, at 15:17 ET), <https://www.usnews.com/news/world-report/articles/2024-10-07/report-antisemitic-incidents-reach-record-high-in-year-since-oct-7-attack>.

¹³⁹ Arno Rosenfeld, *ADL Counts 3,000 Antisemitic Incidents Since Oct. 7, Two-Thirds Tied to Israel*, *FORWARD* (Jan. 10, 2024), <https://forward.com/news/575687/anti-defamation-league-adl-antisemitism-count-anti-zionism> [<https://perma.cc/R3WP-RPPK>].

¹⁴⁰ *Id.*

¹⁴¹ *See id.*

¹⁴² Burley & Bennet, *supra* note 130 ("In addition to identifying more than a thousand items . . . misclassified as antisemitic, we found that the data included misapplications of the organization's own standards . . .").

¹⁴³ *Campus Antisemitism Surges Amid Encampments and Related Protests at Columbia and Other U.S. Colleges*, ANTI-DEFAMATION LEAGUE (May 1, 2024), <https://www.adl.org/resources/article/campus-antisemitism-surges-amid-encampments-and-related-protests-columbia-and> [<https://perma.cc/HGR4-6VHM>].

whom were Jewish.¹⁴⁴ The moment demanded leadership from university officials and a Democratic administration positioned to admonish universities for crushing peaceful protest and aiding the GOP's naked effort to profit off of campus unrest.¹⁴⁵ Rather than challenge the GOP's talking points, key Democrats doubled down on the narrative that pro-Palestinian protests had transformed our campuses into hotbeds of antisemitism.¹⁴⁶ That April, President Biden issued the following statement:

While every American has the right to peaceful protest, calls for violence and physical intimidation targeting Jewish students and the Jewish community are blatantly antisemitic, unconscionable, and dangerous, and they have no place on any college campus or anywhere in the United States of America. Echoing the rhetoric of terrorist organizations, especially in the wake of the worst massacre committed against the Jewish people since the Holocaust, is despicable.¹⁴⁷

Two weeks later, President Biden repeated the charge and condemned the "ferocious" surge of antisemitism:

On college campuses, Jewish students [have been] blocked, harassed, attacked, while walking to class. Anti-Semitism, anti-Semitic posters, slogans calling for the annihilation of Israel, the world's only Jewish state. Too many people denying, downplaying, rationalizing, ignoring the horrors of the Holocaust and Oct. 7 It is absolutely despicable, and it must stop.¹⁴⁸

¹⁴⁴ See, e.g., Jake Offenhartz, Krysta Fauria, Joseph B. Frederick & Ethan Swope, *Tension Grows on UCLA Campus as Police Order Dispersal of Large Pro-Palestinian Gathering*, ASSOCIATED PRESS (May 1, 2024, at 23:39 ET), <https://apnews.com/article/israel-palestinian-campus-student-protests-war-c6e5549532c85f13493daa22d0d143ac>. [<https://perma.cc/EW25-CW7S>]; Sharon Otterman, *Columbia Sends In the N.Y.P.D. to Arrest Protesters in Tent City*, N.Y. TIMES (Apr. 18, 2024), <https://www.nytimes.com/2024/04/18/nyregion/columbia-university-tent-city-palestinian-protest.html>.

¹⁴⁵ See, e.g., Robert Tait, *How the Right is Weaponizing Pro-Palestinian Campus Protests in the US*, GUARDIAN (May 13, 2024, at 07:00 ET), <https://www.theguardian.com/us-news/article/2024/may/13/republicans-biden-israel-gaza-war-protests> [<https://perma.cc/9TKY-GXSN>].

¹⁴⁶ See *supra* note 108 and accompanying text (noting Democratic criticism against Representative Tlaib's support of Palestine).

¹⁴⁷ *Press Gaggle by Deputy Press Secretary Andrew Bates and National Security Communications Advisor John Kirby En Route Tampa, FL*, WHITE HOUSE (Apr. 23, 2024, at 12:46 ET), <https://bidenwhitehouse.archives.gov/briefing-room/press-briefings/2024/04/23/press-gaggle-by-deputy-press-secretary-andrew-bates-and-national-security-communication-s-advisor-john-kirby-en-route-tampa-fl> [<https://perma.cc/8824-6BQK>].

¹⁴⁸ Remarks at the United States Holocaust Memorial Museum's Annual Days of Remembrance Ceremony, 2024 DAILY COMP. PRES. DOC. 2 (May 7, 2024).

To applause, President Biden reiterated that his “commitment to the safety of the Jewish people, the security of Israel and its right to exist as an independent Jewish state is ironclad.”¹⁴⁹

Jewish Democrats like Representative Jared Moskowitz praised President Biden: “With all the antisemitism going on, you can be silent, you can ignore it, but that’s not going to erase the fact that it’s growing in this country.”¹⁵⁰ Adam Lehman, the CEO of Hillel International, echoed similar sentiment: “It’s critical that the White House show leadership in recognizing the deep scope and nature of issues impacting our campuses—and that the president speak out about the bias, discrimination and hostility Jewish and other students are facing as a result.”¹⁵¹

New York Senator Kirsten Gillibrand explicitly linked college protesters to Hamas: “I am appalled at the virulent antisemitism being displayed on Columbia University’s campus. Threats of violence against Jewish students and the Jewish community are horrible, despicable and wholly unacceptable. Using the rhetoric of terrorists has no place in New York.”¹⁵²

Two days later, House Democratic Leader Hakeem Jeffries reinforced the narrative:

The antisemitic rhetoric and intimidation deployed by some students and outside protestors on college campuses in New York City and beyond is completely unacceptable and deeply disturbing . . . [I]ntentionally targeting Jews or any community on the basis of race, religion or ethnicity, acts of harassment and the use of physical violence will never be tolerated.¹⁵³

Whatever their intent, the Democrats’ statements helped legitimize the GOP’s assault on universities and students. The Democrats also reified the fraught logic that (a) Jewish identity is inextricably linked to the state of Israel and that (b) the safety of Jewish Americans depends upon Israel’s right to exist as an ethnonationalist state free from internal or external critique. One irony is that this logic, because it fuses Jewish identity with the state of Israel, is likely to amplify antisemitic attitudes and tropes. This includes the notion that non-

¹⁴⁹ *Id.* at 3.

¹⁵⁰ Myah Ward, Adam Cancryn & Jonathan Lemire, *Biden Warns of a ‘Ferocious’ Surge in Antisemitism in the U.S. and Across the Globe*, POLITICO (May 7, 2024, at 15:15 ET), <https://www.politico.com/news/2024/05/07/biden-antisemitism-rafah-israel-protest-00156541>.

¹⁵¹ *Id.*

¹⁵² Press Release, Kirsten Gillibrand, Sen., Statement on Antisemitism at Colum. U. Protests (Apr. 21, 2024), <https://www.gillibrand.senate.gov/news/press/release/gillibrand-statement-on-antisemitism-at-columbia-university-protests> [<https://perma.cc/6VA9-9RGM>].

¹⁵³ Press Release, Hakeem Jeffries, Leader, House Democratic Caucus, Statement on Coll. Campus Unrest in NYC & Throughout Am. (Apr. 23, 2024), <https://jeffries.house.gov/2024/04/23/leader-jeffries-statement-on-college-campus-unrest-in-nyc-and-throughout-america> [<https://perma.cc/2JGW-9F2L>].

Israeli Jews are more loyal to Israel than their home nation and that Jews are collectively responsible for Israel's actions.¹⁵⁴

Over 1,300 Jewish academics pressed this concern in a May 2024 letter that urged Senate Democrats to reject the Antisemitism Awareness Act ("AAA").¹⁵⁵ Building on policy promulgated during Trump's first term, the GOP-led AAA would have codified the International Holocaust Remembrance Alliance's ("IHRA") working definition of antisemitism into federal law.¹⁵⁶ In a letter endorsed by multiple Jewish Zionist organizations, the Jewish professors urged "our political leaders to reject any effort to codify into federal law a definition of antisemitism that conflates antisemitism with criticism of the state of Israel."¹⁵⁷ The signatories also implicitly rebuked then-President Biden's response to campus protest: "By stifling criticism of Israel, the IHRA definition hardens the dangerous notion that Jewish identity is inextricably linked to every decision of Israel's government. Far from combating antisemitism, this dynamic promises to amplify the real threats Jewish Americans already face."¹⁵⁸

The following March, over 3,400 Jewish higher education workers and students captured similar concerns in a letter that urged their university leaders to resist the Trump Administration's escalating weaponization of antisemitism. The statement, titled *Not In Our Name*, called for universities to "[t]erminate all collaboration with organizations, such as the Anti-Defamation League, that smear our students and now applaud the lawless targeting of political opponents."¹⁵⁹ The letter also reiterated the observation that conflating

¹⁵⁴ See *supra* Part II and notes 130-44 and accompanying text (discussing Project Esther and ADL discourse); *What Is Antisemitism?*, DIASPORA ALLIANCE (Oct. 2025), https://diasporaalliance.co/wp-content/uploads/2025/10/What-is-Antisemitism_-Diaspora-Alliance-v2-Oct.-2025.pdf. See generally SAHAR AZIZ, *THE RACIAL MUSLIM: WHEN RACISM QUASHES RELIGIOUS FREEDOM* (2022) (providing historical origins of associating Palestinians with terrorism and antisemitism during 1960s).

¹⁵⁵ See Concerned Jewish Fac. Letter, *supra* note 116 (opposing codification of IHRA definition); H.R. 6090, 118th Cong. (2023).

¹⁵⁶ See Yonat Shimron, *1,200 Jewish Professors Call on Senate to Reject Controversial Antisemitism Definition*, CHRISTIAN CENTURY (May 15, 2024), <https://www.christiancentury.org/news/1-200-jewish-professors-call-senate-reject-controversial-antisemitism-definition> [<https://perma.cc/F4VQ-XJYR>] (describing opposition to codifying IHRA part of broader weaponization of antisemitism against campus speech); Letter from Christopher Anders, Deputy Dir., ACLU & Manar Waheed, Legis. & Advoc. Couns, ACLU, to Sens. & Reps. (June 4, 2018), <https://www.aclu.org/documents/anti-semitism-awareness-act-2018> [<https://perma.cc/594B-L8T4>] (opposing AAA).

¹⁵⁷ Concerned Jewish Fac. Letter, *supra* note 116. For analysis on the weaponization of antisemitism since October 2023, see Jonathan Hafetz & Sahar Aziz, *How a Leading Definition of Antisemitism Has Been Weaponized Against Israel's Critics*, NATION (Dec. 27, 2023), <https://www.thenation.com/article/society/ihra-definition-antisemitism> [<https://perma.cc/R3YS-9GRE>].

¹⁵⁸ Concerned Jewish Fac. Letter, *supra* note 116.

¹⁵⁹ Letter from Concerned Jewish Fac. & Staff to Univ. Leaders (Mar. 11, 2025), <https://www.concernedjewishfaculty.org/not-in-our-name> [<https://perma.cc/Y86Z-CZHH>].

antisemitism with legitimate criticism of Israel and Zionism would predictably amplify anti-Jewish resentment, scapegoating, and stereotyping—thereby increasing the threat of harassment or violence targeting individuals and communal spaces perceived as Jewish.

These threats have not abated. Since returning to the White House, President Trump and officials in his Administration have regularly invoked antisemitism and Jewish safety to target immigrants, silence critics, and defund universities. The Department of Education and the DOJ continue to rehearse allegations of antisemitism as the pretext to punish universities and roll back campus civil rights initiatives.¹⁶⁰ The Israeli government continues to prosecute its assault on Gaza and now, with the support of the United States, is engaged in widespread and apparent human rights abuses in Lebanon, Iran, and beyond.¹⁶¹ The ADL and other prominent Jewish Zionist entities continue to direct racist, anti-Palestinian, and Islamophobic rhetoric at individuals and associations that criticize contemporary Zionism and the Israeli government or advocate for Palestinian human rights.¹⁶² Many universities continue to enable, if not collude with, the federal government and pro-Israel organizations like the ADL and Brandeis Center—at times acquiescing to false narratives by settling lawsuits that marshal factually inaccurate or misleading claims about campus protests.¹⁶³

¹⁶⁰ Ben Unglesbee, Laura Spitalniak & Natalie Schwartz, *Tracking the Trump Administration's Deals with Colleges*, HIGHER ED DIVE (Dec. 2, 2025), <https://www.highereddive.com/news/tracking-the-trump-administrations-deals-with-colleges/803434>.

¹⁶¹ See Nadia Hardman, *Israel's Displacement of Civilians in Lebanon is a Possible War Crime*, HUM. RTS. WATCH (Mar. 23, 2026), <https://www.hrw.org/news/2026/03/23/israels-displacement-of-civilians-in-lebanon-is-a-possible-war-crime> [<https://perma.cc/4F7H-85J4>]; William Christou, Abbas Abdel Karim & Lucy Swan, "Everything Is Gone": Israel Destroys Entire Villages in Lebanon, GUARDIAN (Apr. 12, 2026, at 08:28 ET), <https://www.theguardian.com/world/2026/apr/12/how-israeli-offensive-destroyed-entire-villages-in-lebanon>.

¹⁶² For example, the ADL created a tip line for reporting incidents of antisemitism within New York City Mayor Zohran Mamdani's Administration. See Liam Stack, *Anti-Defamation League Creates Antisemitism Tip Line Focused on Mamdani*, N.Y. TIMES (Nov. 6, 2025), <https://www.nytimes.com/2025/11/06/nyregion/zohran-mamdani-monitor-antisemitism-adl.html>.

¹⁶³ See, e.g., Azul Dahlstrom-Eckman, *UCLA Settles Lawsuit Alleging it Allowed Activists to Create "Jew Exclusion Zone"*, KQED (July 29, 2025, at 16:36 PT), <https://www.kqed.org/news/12050114/ucla-settles-lawsuit-alleging-it-allowed-activists-to-create-jew-exclusion-zone> [<https://perma.cc/F9N7-WFTN>] ("There were Shabbat ceremonies. There was a seder ceremony that occurred in the encampment . . . Jewish faculty members and students were instrumental in creating the encampment. So the idea that this was a quote, 'Jewish-exclusion zone' was absurd on its face."); Kathryn Palmer, *Berkeley Releases 160 Names, Complies With U.S. Investigation*, INSIDE HIGHER ED (Sep. 16, 2025), <https://www.insidehighered.com/news/quick-takes/2025/09/16/berkeley-releases-160-names-complies-us-investigation> [<https://perma.cc/7HE2-UC27>] (discussing Berkeley providing personally identifying information of individual faculty members as part of Trump Administration's investigations into antisemitism allegations); Vimal Patel, *Harvard Adopts a Definition of Antisemitism for Discipline Cases*, N.Y. TIMES (Jan. 21, 2025), <https://www.nytimes.com/2025/01/21/us/harvard-antisemitism-definition-discipline.html> (discussing Harvard adopting IHRA definition of

MAGA's blue state strategy has also reached state legislatures in Democratic strongholds from California to Massachusetts. In California, lawmakers passed Assembly Bill 715 ("A.B. 715"), a purported "antisemitism" bill that was sponsored by the state's Jewish Caucus and governs K-12 education.¹⁶⁴ The bill was opposed by a coalition of state educators, labor unions, and civil rights/civil liberties organizations who warned that the effort to codify IHRA would have a chilling effect and fail to address antisemitism.¹⁶⁵ California Governor Gavin Newsom ignored the warnings and signed A.B. 715 into law on October 7, 2025. Echoing the Jewish professors' May 2024 letter to Senate Democrats, the California Faculty Association lamented that A.B. 715 "amplifies the Trump Administration's attacks on public education and further contributes to the harm done to institutions dedicated to teaching and learning."¹⁶⁶

Similar fights are playing out in the northeast.¹⁶⁷ In Massachusetts, Democratic Governor Maura Healey championed a state commission charged with "Combatting Antisemitism."¹⁶⁸ Inspired by the ADL's Jonathan

antisemitism as part of legal settlement rather than defend itself in Title VI lawsuit); Jonathan Stempel, *UC Berkeley Tightens Antisemitism Policies to Settle Lawsuit*, REUTERS (Mar. 19, 2026), <https://www.reuters.com/legal/government/uc-berkeley-settles-antisemitism-lawsuit-plaintiffs-lawyers-say-2026-03-19>.

¹⁶⁴ A.B. 715, ch. 428, 2025 Cal. Stat. 5514 (requiring, inter alia, educators consider federal antisemitism strategy, including embrace of the IHRA definition); see, e.g., *Censoring Free Speech in Our Schools*, ACLU CAL. ACTION (2025), <https://aclucalaction.org/bill/ab-715-oppose> [<https://perma.cc/E9F6-EVC9>] ("We all agree that antisemitism and all forms of discrimination must be addressed in schools. But AB 715 goes far beyond protecting students from harassment or violence. Instead, it polices what can be said in classrooms, subjects legitimate academic frameworks to overly broad censorship, and risks undermining conversations about history, identity, and human rights.").

¹⁶⁵ See Asaf Elia-Shalev, *Ethnic Studies Compromise Opens Door to Broader Antisemitism Legislation in California*, TIMES ISR. (June 4, 2025, at 00:55 ET), <https://www.timesofisrael.com/ethnic-studies-compromise-opens-door-to-broader-antisemitism-legislation-in-california> [<https://perma.cc/9YUW-9UR4>].

¹⁶⁶ *CFA Members Denounce the Passing of Assembly Bill 715 as a Threat to Free Speech and Academic Freedom*, CAL. FACULTY ASS'N (Oct. 16, 2025), <https://www.calfac.org/cfa-members-denounce-the-passing-of-assembly-bill-715-as-a-threat-to-free-speech-and-academic-freedom-2> [<https://perma.cc/Y9ZZ-ZBQG>].

¹⁶⁷ See, e.g., Theo Peck-Suzuki, *Antisemitism Working Group Legislation Draws Backlash*, CT MIRROR (Feb. 26, 2026, at 15:30 ET), <https://ctmirror.org/2026/02/26/antisemitism-working-group-ct-public-schools> [<https://perma.cc/X6T7-LVUQ>] ("[T]he Freedom to Learn Coalition, which includes multiple Jewish organizations [in Connecticut] and condemns antisemitism, held a press conference to raise opposition to the inclusion of the working group provision in the emergency legislation.").

¹⁶⁸ See Abby Patkin, *Here's What the State's Antisemitism Commission Found—and What It Thinks We Should Do About It*, BOSTON.COM (Dec. 3, 2025), <https://www.boston.com/news/politics/2025/12/03/massachusetts-antisemitism-commission-final-report-recommendations> [<https://perma.cc/28LG-7QUX>].

Greenblat,¹⁶⁹ Massachusetts's Antisemitism Commission platformed pro-Israel Democrats and Jewish organizations who used the opportunity to attack the state's teachers' union, disparage non-Zionist Jewish educators and belittle residents who criticized the Commission's approach.¹⁷⁰

Local Jewish leaders and organizations admonished the Commission for rehearsing the ADL's misleading narratives and for berating educators with rhetoric reminiscent of GOP-led hearings in Congress and states like Florida and Tennessee.¹⁷¹ Similar to advocates' success moderating language in California's A.B. 715, local advocacy—including widespread criticism of the IHRA definition of antisemitism—appears to have moderated the recommendations in the Antisemitism Commission's final report.¹⁷² That criticism, however, has not stopped Commission members from leveraging the final report to push local campaigns for school districts and municipalities to adopt IHRA as formal policy.¹⁷³

¹⁶⁹ See SPECIAL COMM'N ON COMBATTING ANTISEMITISM, FINAL REPORT 11, 56-58 (2025), <https://malegislature.gov/Commissions/Detail/646/Documents> (click PDF icon next to "Special Commission on Combatting Antisemitism Final Report").

¹⁷⁰ See CONCERNED JEWISH FAC. & STAFF, COMMENTARY & CAUTION: A REVIEW OF MASSACHUSETTS' SPECIAL COMMISSION ON COMBATTING ANTISEMITISM 1-3 (2025) (on file with authors) (arguing Special Commission's approach to antisemitism enabled authoritarian agenda and mischaracterized criticism of Israel and Zionism); see also Margaret Litvin, Guest Essay, *IHRA Definition of 'Antisemitism' is Problematic*, NEWTON BEACON (Aug. 4, 2025), <https://www.newtonbeacon.org/guest-essay-ihra-definition-of-antisemitism-is-problematic> [<https://perma.cc/JU4W-QXBX>] (warning Commission's K-12 approach could harm teachers and students by importing IHRA's conflation of Jewish identity and Israel); Press Release, Concerned Jewish Fac. & Staff, Jewish Orgs. Warn Lawmakers that MA Antisemitism Comm'n Failed to Address Antisemitism and Puts Free Speech at Risk, (Dec. 11, 2025), <https://www.concernedjewishfaculty.org/jewish-orgs-warn> [<https://perma.cc/592V-9TCH>] (warning Commission's final report risked importing pro-Israel advocacy agenda into schools and workplaces at expense of free speech).

¹⁷¹ See Stephanie Brown & Lisa Mullins, *Mass. Antisemitism Commission Faces Scrutiny*, WBUR (May 12, 2025), <https://www.wbur.org/news/2025/05/12/massachusetts-antisemitism-commission-scrutiny> [<https://perma.cc/BLL6-6CPE>]; Letter from Jewish Leaders to John Velis, Sen., Simon Cataldo, Rep., Steven Howitt, Rep. & Special Comm'n on Combatting Antisemitism (Mar. 31, 2025) (on file with authors).

¹⁷² As one example, language added to the final Commission report emphasized the need to protect free expression and recognized the ideological diversity within Massachusetts's Jewish community—specifically recognizing anti-Zionist Jews. See SPECIAL COMM'N ON COMBATTING ANTISEMITISM, *supra* note 169, at 6. This appears to have been in response to prior criticism that faulted the Commission on both grounds. See, e.g., Brown & Mullins, *supra* note 171 (noting warnings from Jewish community leaders about potentially enabling attacks on free speech).

¹⁷³ See Brett Rhyne, *Concord Fast-Tracks Antisemitism Proclamation and Adoption of IHRA Definition*, JEWISH J. (Feb. 12, 2026), <https://jewishjournal.org/2026/02/12/concord-fast-tracks-antisemitism-proclamation-and-adoption-of-ihra-definition> [<https://perma.cc/GG73-7ZXR>]; see also Press Release, Concerned Jewish Fac. & Staff, Concerned Jewish Faculty & Staff Urge Concord Select Bd. to Reject IHRA: "Don't Bring MAGA Policies to Massachusetts" (Jan. 27, 2026), <https://www.concernedjewishfaculty.org/urge-concord-selec>

So here we are. Right-wing think tanks spent decades sowing public distrust about higher education in the United States. These attacks gained momentum following 2020's racial reckoning. Then the campus conflicts that emerged after October 7, 2023 opened the door for MAGA to recruit new allies and nationalize its assault on American universities, progressive formations and civil rights under the guise of combatting antisemitism.

CONCLUSION

Resistance to President Trump and his administration's assault on higher education is building nationwide. But we have yet to see whether Democratic leadership and liberal institutions will challenge right-wing narratives that caricature pro-Palestine advocacy to rationalize attacks on American universities and their inclusionary commitments. Democratic strongholds like California and Massachusetts reveal the contours of unfolding intra-party contestation—the precise division and infighting MAGA's blue state strategy appears designed to ignite.

In both states, Democratic officials have aided or led pro-IHRA campaigns to discredit and suppress education, advocacy, and open inquiry about Israel/Palestine; and school officials continue to denounce and censor speech that criticizes Israel or champions Palestinian human rights. The ongoing repression places into sharp relief the challenge faced by civil rights organizations, educators' associations, and higher education workers and students—many Jewish—organizing to protect higher education from authoritarian overreach. The MAGA movement is driving the assault on higher education, but Democrats and institutional leaders continue to feed the public narratives that embolden and aid that project.

t-board-no-ihra [<https://perma.cc/MJ7Q-SP8W>] (urging Concord, Massachusetts not to adopt IHRA definition into town policy); Press Release, Concerned Jewish Fac. & Staff, Concord Select Bd. Members Quell Pub. Outcry by Clarifying Meaning of Proclamation & Disavowing IHRA Examples (Apr. 16, 2026), <https://www.concernedjewishfaculty.org/copy-of-usccr-written-testimony> [<https://perma.cc/T562-GXZ9>].