



COVINGTON



## **Lawsuit Uncovers Antisemitic Intent Within Santa Ana Unified School District**

*Motion filed supports allegations that SAUSD intentionally violated the Brown Act, California's open meetings laws, to develop and approve antisemitic curriculum "under the radar."*

Santa Ana, Calif., August 26, 2024... ADL (the Anti-Defamation League), The Louis D. Brandeis Center for Human Rights Under Law, AJC (the American Jewish Committee), and Covington & Burling announced today that they filed a motion adding supporting evidence to the [suit](#) they filed in September 2023 on behalf of the Brandeis Center and its membership arm, SoCUE (Southern Californians for Unbiased Education), against the Santa Ana Unified School District (SAUSD) for violations of California's open meetings laws.

Evidence uncovered during discovery supports the Plaintiffs' allegations that the Board kept information about proposed ethnic studies courses "under the radar" (in the words of one employee) to prevent the public, and the Jewish community in particular, from becoming aware of antisemitic and unlawfully biased content in ethnic studies curricula. For example:

- When members of SAUSD's Ethnic Studies Steering Committee were apprised of the Jewish community's concerns about antisemitism in ethnic studies plans, they noted in an official agenda that they would need to "address the Jewish question."
- Senior officials mused about using Jewish holidays to approve courses at the Board level to prevent Jews from attending.
- The Steering Committee hired an external consultant whose writings equate Israel with "settler colonialism" and who uses social media to actively promote anti-Israel bias with antisemitic tropes, including a post about "Zionist control of the CA Ethnic Studies Model Curriculum" and a comment that the Legislative Jewish Caucus needs to "stay in their lane," claiming "the Zionist CA Jewish Caucus hijacked Ethnic Studies," as well as "a small white minority" should not "dictate a curriculum that is not about them."
- A Committee leader referred to the only Jewish member as a "colonized Jewish mind" and a "f---ing baby" for expressing concerns over antisemitism on the Committee.
- An SAUSD Board member suggested that Jewish Americans do not belong in ethnic studies because they are "racialized as under the White category."
- A Committee leader referred to the Jewish Federation of Orange County as "racist Zionists" and suggested SAUSD should not "cave" to their representatives.
- Members of the Steering Committee reportedly said, "Jews are not a disadvantaged ethnic group in the U.S. because they were never slaves," that "Jews greatly benefit from

white privilege, so they have it better,” and “we don't need to give both sides. We only support the oppressed, and Jews are the oppressors.”

- Jewish staff members at SAUSD wrote about how they were “sick” of the “thinly veiled antisemitism” coming from Committee leaders and were “hurt by some of things” they “said about Jews.”

Under the Brown Act (California’s open meeting laws) and AB 101 (the 2021 statute making ethnic studies a requirement for graduation from public high schools), California school boards are required to take specific steps to make members of the public aware of proposed curricula and allow for public comment.

The motion and supporting evidence proves that SAUSD knowingly circumvented these laws to approve curricula with dangerously anti-Jewish teachings before the public became aware of them. The lawsuit asks the court to declare that SAUSD violated the Brown Act, to bar SAUSD from teaching courses that were unlawfully approved, and to order SAUSD to follow open meeting laws going forward so that new ethnic studies courses are not pushed through without community input.

“Both the Brown Act and AB 101 require transparency and opportunity for public comment on proposed ethnic studies curricula that deviate from the state-approved model curriculum,” said L. Rachel Lerman, General Counsel of the Brandeis Center, which is both a plaintiff and counsel in this matter. “Governor Newsom swore that biased and antisemitic content taken out of early (and disapproved) versions of the model curriculum would ‘never see the light of day.’ He did not mean that this content should be snuck back in under cover of darkness, but that appears to be what has occurred.”

“Open meetings are required by law specifically to prevent this type of situation,” said James Pasch, ADL Senior Director of National Litigation. “As the evidence shows, the district intentionally hid information from the public, to try to get away with teaching antisemitic lies to the next generation in Santa Ana. The antisemitism that infected this process sent a clear message to Jewish students and families that their voices are not welcomed, and that they were intentionally excluded.”

“This is not speculation. Discovery in this case has revealed a persistent pattern of antisemitism in the steering committee,” said American Jewish Committee Chief Legal Officer Marc Stern. “Antisemitism has no place in any governmental body and it is doubly concerning when it involves children and their education. That proponents of this proposal made a concerted effort to hide their antisemitism is yet further evidence that they knew what they were doing was wrong and did not want it disclosed publicly.”

“As Justice Louis D. Brandeis famously observed, ‘sunlight is the best disinfectant.’ The shocking evidence our team has uncovered shows that SAUSD deliberately tried to keep the public in the dark about the extreme biases and antisemitism that infected the District's ethnic studies curriculum. In doing so, SAUSD violated State law,” said Dan Shallman, lead counsel from Covington & Burling LLP. “We look forward to making our case in court that SAUSD's actions must not stand. We are proud to stand with our partners at the ADL, the Brandeis Center, and AJC, in seeking to hold SAUSD accountable.”

ADL, the Brandeis Center, AJC, and Covington & Burling serve as the plaintiffs' counsel for this case. A hearing is scheduled for September 19, 2024.

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*ADL is the leading anti-hate organization in the world. Founded in 1913, its timeless mission is “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, ADL continues to fight all forms of antisemitism and bias, using innovation and partnerships to drive impact. A global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens, ADL works to protect democracy and ensure a just and inclusive society for all. More at [www.adl.org](http://www.adl.org).*

*The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all. LDB engages in research, education, and legal advocacy to combat the resurgence of anti-Semitism in educational institutions and beyond. It empowers students by training them to understand their legal rights and educates administrators and employers on best practices to combat racism and anti-Semitism. (The Brandeis Center is not affiliated with the Massachusetts university, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.) See [www.brandeiscenter.com](http://www.brandeiscenter.com).*

*AJC is the global advocacy organization for the Jewish people. With headquarters in New York, 25 offices across the United States, 14 overseas posts, as well as partnerships with 38 Jewish community organizations worldwide, AJC's mission is to enhance the well-being of the Jewish people and Israel, and to advance human rights and democratic values in the United States and around the world.*

*In an increasingly regulated world, Covington & Burling LLP provides corporate, litigation, and regulatory expertise to help clients navigate their most complex business problems, deals, and disputes. Founded in 1919, the firm has more than 1,300 lawyers in offices in Beijing, Boston, Brussels, Dubai, Frankfurt, Johannesburg, London, Los Angeles, New York, Palo Alto, San Francisco, Seoul, Shanghai, and Washington. Covington is honored to serve as pro bono counsel for Petitioners in this matter. The firm is frequently recognized for pro bono service, including 12 times being ranked the number one pro bono practice in the U.S. by The American*

*Lawyer. Much of our pro bono work is anchored in meeting local needs, serving economically disadvantaged individuals and families in our surrounding communities, but the firm also has a long history of serving vulnerable clients and important causes throughout the U.S. and the world.*

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