

A Project Proposal of the New Jersey Advisory Committee to the United States Commission on Civil Rights

Topic: Antisemitism

JURISDICTION

Under the Congressional mandate of the U.S. Commission on Civil Rights (USCCR) to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice¹ and operating under the provisions of the Federal Advisory Committee Act² to advise the Commission of civil rights issues in New Jersey that are within the Commission's jurisdiction, the New Jersey Advisory Committee seeks to examine the recent prevalence of antisemitism in our state, including concerns related to discrimination based on race, color, age, disability, or other federally protected category and any denial of equal protection of the law in the administration of justice with the intention of identifying areas for improvement and developing recommendations accordingly.

The proposed project falls within the USCCR's statutory authority, including but not limited to its jurisdiction regarding discrimination based on race, color, age, disability, or other federally protected category and any denial of equal protection of the law in the administration of justice. One source of this authority is the Civil Rights Act of 1964, a landmark civil rights and labor law in the United States that outlaws discrimination based on race, color, religion, sex and national origin.³ It prohibits unequal application of voter registration requirements, racial segregation in schools and public accommodations, and employment discrimination.⁴ The act is considered one of the most significant legislative achievements in American history.⁵ Since the passage of the Civil Rights Act of 1964, other civil rights legislation has extended protections to

¹ 42 U.S.C. §1975a

² 5 U.S.C. Appendix 2, as amended.

³ (Pub. L. 88-352, 78 Stat. 241, enacted July 2, 1964)

⁴ *Id*

⁵ GovFacts, "Civil Rights Act of 1964: How America's Most Important Civil Rights Law Changed the Nation," December 5, 2025

marginalized citizenry,⁶ including the Religious Freedom Restoration Act of 1993,⁷ and New Jersey Law Against Discrimination.⁸

BACKGROUND

We are amid a resurgence of antisemitism in American public life, including politics, higher education, the arts and other cultural institutions and its impacts on the life in the United States generally and New Jersey specifically. Such resurgence in antisemitism has manifested at the extreme ideological spectrum and may include blame shifting to Jews and to Judaism, hateful comments, social ostracism, workplace discrimination, and violence. Harmful manifestations of antisemitism are all too common occurrences for the American Jewish families in the United States, including New Jersey.

Each year, the Anti-Defamation League (ADL) tracks incidents of antisemitic harassment, vandalism and assaults in the United States. In 2024, ADL tabulated 9,354 antisemitic incidents across the United States.⁹ This is a 5% increase from the 8,873 incidents in 2023, a 344% increase over the past five years and a 893% increase over the past 10 years.¹⁰ For the first time in the history of the ADL's audit, a majority (58%) of all incidents contained elements related to Israel or Zionism with a large portion occurring at or in the vicinity of anti-Israel protests.¹¹ Out of over 5,000 anti-Israel rallies tracked by ADL in 2024, 2,596 involved antisemitic messaging in the form of signs, chants or speeches.¹² Incidents on college and university campuses rose more steeply than those in any other location.¹³ In 2024, ADL recorded 1,694 antisemitic incidents on college campuses, which is 84% higher than in 2023.¹⁴ In fact, the ADL found that the state of New Jersey

⁶ Civil Rights Act of 1968 (Pub. L. 90-284, 82 Stat. 73, enacted April 11, 1968), Age Discrimination in Employment Act of 1967 (ADEA; 29 U.S.C. § 621 to 29 U.S.C. § 634), Civil Rights Restoration Act of 1987, Civil Rights Act of 1991 (Pub. L. 102-166, enacted November 21, 1991).

⁷Pub. L. No. 103-141, 107 Stat. 1488 (November 16, 1993), codified at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4

⁸ N.J. Rev. Stat. § 10:5-1 et seq.

⁹Anti-Defamation League. "Audit of Antisemitic Incidents 2024." April 22, 2025. <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024> (accessed March 2, 2026).

¹⁰ *Id*

¹¹ *Id*

¹² *Id*

¹³ *Id*

¹⁴ *Id*

had the third highest number of incidents nationwide, which speaks to the urgency of studying this topic.¹⁵

In 2025, responding to the epidemic of antisemitism, both Congress and the New Jersey assembly have considered legislation to combat the rise of antisemitism by codifying the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, including controversial portions that treat denying Jewish self-determination, comparing Israeli policy to Nazism and holding Jews collectively responsible for Israeli actions as examples of antisemitic speech.¹⁶

In Congress, the Antisemitism Awareness Act of 2025 (S.558/H.R.1007), would codify IHRA definition of antisemitism for Department of Education investigations into school discrimination under Title VI of the Civil Rights Act of 1964, and it would broaden what categories of discriminatory conduct fall under existing civil right laws.¹⁷ In New Jersey, Assemblyman Gary Schaer (D-Passaic) is the primary sponsor of a bill that would likewise adopt the IHRA's definition of antisemitism, and which has generated a similar controversy dividing the New Jersey legislature between the many legislators who support its passage and from those who hotly debate the need for the legislation.¹⁸

Opponents of these bi-partisan bills in the state assembly and Congress argue that adopting the IHRA's definition of antisemitism would violate free speech rights by criminalizing criticism of Israel and frequently cite crackdowns on campus protests and pro-Palestinian activists on the basis of their being antisemitic.¹⁹ In contrast, the bill's sponsors, Senator Tim Scott in Congress and Assemblyman Gary Schaer in the New Jersey legislature deny that the bills will infringe upon the First Amendment rights of United States citizens and instead contend that the goal is to combat rising antisemitism by giving a clear lens to determine the motivation and/or intent behind a

¹⁵ Anti-Defamation League. "Audit of Antisemitic Incidents 2024." April 22, 2025.

<https://www.adl.org/resources/report/audit-antisemitic-incidents-2024> (accessed March 2, 2026).

¹⁶ The Antisemitism Awareness Act of 2025 (S.558/H.R.1007) was introduced in the United States Senate by Senator Tim Scott of South Carolina. Likewise, New Jersey Bill A3558/S1292 was introduced by Assemblyman Gary Schaer in the New Jersey legislature. Both bills adopt the IHRA's definition of antisemitism. The New Jersey bill similarly creates a bias 1 crimes reporting public awareness campaign in the State of New 2 Jersey, supplementing Title 10 of the Revised Statutes.

¹⁷ *Id*

¹⁸ New Jersey Globe, "Assembly panel clears anti-Semitism definition bill after marathon hearing," July 24, 2025.

¹⁹ *Id*

criminal act or bias incident motivated by antisemitism while providing vital guidance for policy development and anti-bias training.²⁰

The tensions run deep between those who believe there is a need to address rising incidents of antisemitism and others who fear the adoption of the IHRA's definition of antisemitism will infringe on their rights to protest Israeli policies.²¹ These tensions, however, must not deter the examinations of the rising incidence of antisemitism directed against New Jersey's Jewish populace. What is known is that the clear rise in antisemitism has led, and will continue to lead, to the widespread denial of the civil liberties of Jews, and by extension, for all of us. Consequently, although there are currently mechanisms under the Civil Rights Act of 1964 and other civil rights legislation, Religious Freedom Restoration Act of 1993,²² and New Jersey Law Against Discrimination, to address the rise in incidents of antisemitism, those state and federal legislations have shortcomings. This is why much more needs to be done to understand and inform new legislation.

PERSPECTIVES ON THE TOPIC TO BE CONSIDERED BY THE COMMITTEE

To fulfill our mission of providing accurate, bipartisan advice to the United States Commission on Civil Rights, and to operate with integrity, transparency, and fairness, we will seek to hear diverse perspectives, including those of political minorities, listening respectfully to their viewpoints throughout the Committee's work. We will consider balanced viewpoints and/or perspectives and have comprehensive deliberation on these throughout the project process. We will seek a balance of perspectives through examining the issue through multiple disciplinary lenses including, but not limited to, political, economic/resources, social, historical, environmental/geographical, cultural or ethical/moral lenses.

BALANCE STATEMENT

The New Jersey Advisory Committee defines balance in this study as what would be achieved if the Committee is successful in employing principled and transparent approaches that

²⁰ New Jersey Globe, "Assembly panel clears anti-Semitism definition bill after marathon hearing," July 24, 2025.

²¹ USA Today, "NJ antisemitism bill stalled out, but here's how it may be revived," January 14, 2026

²²Pub. L. No. 103-141, 107 Stat. 1488 (November 16, 1993), codified at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4

ensure a rigorous examination of a range of experts and the full spectrum of perspectives representing various categories. Concurrently, the Committee will strive to uphold accuracy, human rights, and protections against harm, while listening to divergent viewpoints. Balance should not be understood as giving equal weight to all viewpoints regardless of their factual or ethical groundings. These viewpoints should address the Committee's Guiding Questions (below) about why antisemitism has reemerged, how to distinguish it from a vibrant discussion of Israel and of Israeli government policy, and what measures might be taken to extinguish this social pathology.

Ideally, the decision on whom to invite to testify in front of the full Committee will not fall along ideological or political lines in order to ensure a fair and balanced approach. While Committee Members come from diverse ideological and political backgrounds, we are determined to work together on a basis of nonpartisanship, and the common good. The Committee is cognizant that friction may arise while discussing this topic which is hotly contested throughout the United States, but the aim will always be to ensure that everyone can speak their mind with civility and respect while listening to what individuals share during the deliberations and testimony. It is also worth noting that the Committee is not looking for balance in terms of viewpoints that are for or against antisemitism, we need to address the reality of antisemitism, while guarding against a broad use of the term that can actually have reverse effects and trivialize a serious issue.

Balance in this context means:

1. Centering free expression and intellectual inquiry — Affirming the right of individuals to articulate political viewpoints, including criticism of governments, policies, or institutions.
2. Distinguishing critique from harm — Clearly differentiating between legitimate political critique and rhetoric that targets a protected group with antisemitic tropes, dehumanization, or incitement to harm.
3. Avoiding false equivalency — Ensuring that evidence-based analysis is the basis for making recommendations rather than relying on unsupported or harmful claims which are neither verifiable nor measurable yet treating them as equally valid counterpoints.
4. Applying consistent standards — Using clearly articulated criteria to assess when speech constitutes protected political expression versus when it crosses into discrimination or malice directed at a group.

5. Incorporating impacted voices — Including perspectives from communities directly affected by antisemitism, as well as those engaged in political advocacy, to ensure the analysis reflects direct experience without privileging one narrative over another.

In this study, balance is defined as a structured, evidence-based, and ethically grounded evaluation of perspectives—one that protects robust debate while maintaining zero tolerance for discrimination, hate, or incitement. To achieve such balance, the Committee seeks to learn more about the following perspectives during the Implementation Stage through panelist testimony, statements by impacted individuals, and other supplemental materials submitted to the record:

1. Individuals who can speak on the various definitions of antisemitism, what are the pros and cons of each definition and if it infringes on free speech, what constitutes free speech, and the difference between what constitutes criticism of the Israeli government and antisemitism.
2. School administrators representing middle schools through colleges and universities from both religious and public institutions who can testify to the explosion of antisemitism on their campuses, how they have handled the rise in antisemitism and how they have balanced the criticism of the Israeli government with Jewish students feeling targeted for their religious beliefs and ethnic/cultural identity.
3. Academics from different schools of thought who are familiar with topics such as: extremist groups and what draws young men into them, the geography of where antisemitic attacks take place in New Jersey.
4. Representatives from both Jewish and Muslim organizations.
5. Religious leaders, including rabbis, imams and Christian leaders, who can provide commentary of how the topic of antisemitism has been discussed in their synagogues, mosques or churches and what real life impacted it has had on their communities. There should also been an emphasis to invite individuals who have faced antisemitic treatment and/or were victims of the October 7th attacks and/or individuals who might have been accused falsely of participating antisemitic behavior/discourse when it was aimed namely at Israeli government policy.

GUIDING QUESTIONS

The Committee finds it useful to structure our inquiry around a few guiding questions:

1. How do we define antisemitism?
2. What evidentiary standards will be used to assess whether a statement reflects legitimate policy critique versus discriminatory rhetoric?
3. What is causing the new epidemic of antisemitism?
4. What steps can be taken, either via better enforcement of the existing civil rights laws, or by way of outreach and education to foster a social environment of tolerance in which antisemitism ceases to exist?
5. What role does the state of New Jersey play in providing positive messages that discourage antisemitism, and what steps might it take to discourage the spread of antisemitic messages?
6. What demographic, social, or cultural factors may be associated with the emergence or spread of antisemitic attitudes?
7. What is the geography of antisemitic incidents in the state of New Jersey?

SCOPE

The scope of this project consists of an examination of the recent resurgence of antisemitism culminating in the October 7th attacks and the anti-Palestine movement proliferating on college campuses. The project's specific focus will be on (a) the definition of antisemitism; (b) the causes of the resurgence of antisemitic incidents; (c) an analysis of discrimination based on race, religion, and national origin; (d) the impacts of such a resurgence of antisemitism on the welfare of Jews, Israelis and others including possible workplace harassment, employment discrimination, racially motivated boycotts and the ability of Jews to circulate freely and safely in society and openly to practice their religion; (e) document rise in antisemitic incidents on middle school through college campuses; and (f) relevant recommendations and areas for improvement.

METHODOLOGY

This project will include gathering data, documents and opinions to enable the New Jersey Advisory Committee to reach factual determinations related to the rise of antisemitism and any related concerns based on race, color, sex, national origin, religion, and/or disability status, and the civil rights implications. The Committee will hold several virtual public briefings to gather direct testimonial evidence from various stakeholders (i.e., impacted individuals, community

organizations, advocates, government officials, and other subject matter experts) and members of the public. The Committee will accept supplementary written testimony submitted by panelists, as well as written testimony in place of direct testimonial evidence if a particular panelist is unable to participate in a briefing. The Committee will also accept written comments submitted by members of the public. Such comments should be submitted within 30 days of the meeting/briefing date per the rules of the Federal Advisory Committee Act (FACA).

The exact date and time of these briefings shall be determined by the Designated Federal Officer in consultation with the Committee. The public briefings will be advertised, recorded, and transcribed for the public record. The briefings must include time for public comment in which any New Jersey resident who wishes to share may do so. In accordance with the Advisory Committee's mission of providing accurate, bipartisan advice to the United States Commission on Civil Rights, it must operate with integrity, transparency, and fairness to ensure that diverse perspectives, including those of political minorities, are heard and respected. If necessary to achieve diversity of perspectives in testimony received, the Designated Federal Officer may exercise their FACA authority to approve agendas and invite additional panelists to testify and/or provide documentary evidence if any perspective is missing.

ANTICIPATED OUTCOMES

An anticipated outcome of the project is to ensure that the U.S. Commission on Civil Rights is advised of antisemitism in the State of New Jersey. Based on the briefing record and references, the Committee will submit a report to the USCCR which will include both findings and recommendations. The report may include recommendations to the USCCR for federal policy and statutory changes which might be helpful for the citizens of New Jersey and policy makers to consider how to improve issues related to antisemitism in the State of New Jersey.

APPROXIMATE TIME FRAMES

The New Jersey State Advisory Committee proposes to perform the following tasks:

- Committee and OSD approval of proposal by no later than March/April 2026
- Conduct the briefing[s] before the Advisory Committee no later than June – Nov. 2026 – exact dates and location is still to be determined.

- Complete the research of the approval proposal and close of the official record no later than December 2026 – the timeframe for closing the briefing might be changed depending on public meetings and public participation in those meetings.
- Distribute the draft report to Committee members within 120 days after the briefing meeting.
- Obtain approval of the draft report submitting it for legal review and editing by no later than June 2027.
- The approval of report by full Committee and public release is anticipated by no later than July 2027.