CAIR NEW JERSEY

AMERICA'S LARGEST ISLAMIC CIVIL LIBERTIES AND ADVOCACY GROUP

June 10, 2026

Via Email
Ruth B. Turner
Superintendent, Montclair Public Schools
22 Valley Road
Montclair, NJ 0704

Re: Adoption and Use of the IHRA Definition of Antisemitism in School District Training and Policy

Dear Superintendent Turner:

I write on behalf of the New Jersey Chapter of the Council on American-Islamic Relations, the nation's largest and oldest Muslim civil liberties advocacy organization. It has come to our attention that at a recent professional development event for school faculty organized by the New Jersey Principals and Supervisors Association on June 2, 2026, attorney Mr. David Nash delivered guidance on what constitutes hostility or harassment in classrooms. Among the materials presented was the enclosed slide outlining purported examples of antisemitism, including: denying the Jewish people their right to self-determination (e.g., by claiming that the existence of a State of Israel is a racist endeavor); applying double standards by requiring of Israel behavior not expected or demanded of any other democratic nation; using symbols and images associated with classic antisemitism to characterize Israel or Israelis; drawing comparisons of contemporary Israeli policy to that of the Nazis; and holding Jews collectively responsible for actions of the State of Israel.

According to eyewitness accounts, your attorney further claimed that New Jersey schools are bound by the International Holocaust Remembrance Alliance ("IHRA") definition of antisemitism due to a 2019 executive order issued by President Trump. This claim is legally incorrect, constitutionally problematic, and pedagogically harmful to your students and educators. We write to urge your District in the strongest possible terms to refrain from adopting or applying the IHRA definition of antisemitism in any training, policy, or disciplinary framework, and to correct the misstatements made at the June 2nd event.

We write to emphasize that the IHRA definition is not binding on New Jersey schools. In fact, the New Jersey Legislature has repeatedly declined to adopt it; a federal court has found that its incorporation into educational policy constitutes unconstitutional viewpoint discrimination; its lead drafter opposes its use in educational settings; it conflates criticism of a foreign government with bigotry; it harms the very Jewish students it purports to protect; and it chills academic freedom. Moreover, New Jersey already has robust anti-discrimination protections under the Law Against Discrimination, rendering the IHRA definition unnecessary.

I. New Jersey Schools Are Not Bound by the IHRA Definition

The claim that New Jersey schools are legally required to adopt the IHRA definition is false. Executive Order 13899, signed by President Trump on December 11, 2019, directs that "all executive departments and agencies (agencies) charged with enforcing Title VI shall consider" the IHRA's "non-legally binding working definition of anti-Semitism."[1] While certain individuals may utilize this Executive Order to file Title VI complaints, there is no legal basis for enforcing this definition at any school district.

Moreover, the Executive Order itself expressly characterizes the IHRA definition as "non-legally binding" and provides that agencies "shall not diminish or infringe upon any right protected under Federal law or under the First Amendment" when considering it.[2] The Order further states that "[n]othing in this order shall be construed to alter the evidentiary requirements pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law."[3]

To represent to school administrators that New Jersey schools are "bound" by the IHRA definition is a significant misstatement of the law and imposes viewpoint-based restrictions on protected speech.

II. The New Jersey Legislature Has Repeatedly Declined to Adopt the IHRA Definition

Attempts to codify the IHRA definition into New Jersey law have failed on multiple occasions. Most recently, Bill A3558, which would have enshrined the IHRA definition in state law, was not brought to a vote before the close of the legislative term in January 2026, despite significant lobbying efforts. The New Jersey Legislature's repeated refusal to adopt this definition is not merely an oversight, but a deliberate policy judgment that the IHRA definition is inappropriate for codification into state law.

As over 100 scholars of the Holocaust, Jewish history, and antisemitism wrote to New Jersey's Governor and legislative leaders in January 2026, the decision not to move Bill A3558 to a vote "protected the constitutional rights of people who live and work in New Jersey and ensured that the important struggle against antisemitism is not marginalized in the name of silencing criticism of Israeli state policies and violence against Palestinians."[4] For your District to adopt what the Legislature has expressly rejected would impose on students a standard that New Jersey itself has chosen not to impose.

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[1] Exec. Order No. 13899, 84 Fed. Reg. 68,779 (Dec. 11, 2019), https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism.

[2] *Id.* at Sec. 2.

[3] *Id.* at Sec. 4.

[4] Letter from Scholars of the Holocaust, Jewish History, and Antisemitism to N.J. Governor Phil Murphy, Senate President Nicholas P. Scutari, and General Assembly Speaker Craig Coughlin (Jan. 11, 2026), *published in* Raz Segal, *The IHRA, Antisemitism, and Critique*, Protean Magazine (Jan. 11, 2026).

III. A Federal Court Has Found the IHRA Definition Constitutes Viewpoint Discrimination

In *Students for Justice in Palestine v. Abbott*, the United States District Court for the Western District of Texas directly addressed the constitutionality of incorporating the IHRA definition into educational policy, concluding that doing so constitutes viewpoint discrimination and chills a form of expression that lies at the core of academic life.[5]

The court offered a powerful illustration that easily could arise in your (or any) classroom: a student might calmly compare Israeli policy to that of the Nazis without causing any meaningful disruption, yet under a policy incorporating the IHRA definition, that expression could still be labeled antisemitic and punished. The court made clear that even speech some may find offensive or inflammatory remains protected, because the First Amendment does not permit the government to suppress an idea simply because others find it disagreeable.

New Jersey public schools are no less constrained by the First Amendment's prohibition on viewpoint discrimination. If anything, the suppression of ideas in a K–12 setting is especially grave, because it occurs at a formative stage, when students are still developing their understanding of the world. Applying the IHRA definition in your District signals to students not only which views are forbidden, but how they are expected to think.

IV. The IHRA Definition's Own Lead Drafter Opposes Its Use in Educational Settings

Kenneth S. Stern, the American Jewish lawyer who served as lead drafter of the IHRA definition, has since become one of the most vocal critics of its use in schools and universities. He has repeatedly explained that the definition was never intended to function as a hate-speech code or as a tool for administrators to police protected expression and has emphasized that the best way to combat antisemitism in schools is to ensure that bullying, threats, and intimidation are firmly opposed while speech remains protected.[6]

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[5] *Students for Justice in Palestine v. Abbott*, 756 F. Supp. 3d 410 (W.D. Tex. 2024).

[6] Kenneth S. Stern, *A Bad Deal: By Adopting the IHRA Definition of Antisemitism, Universities are Sacrificing Academic Freedom*, 25-19 Knight First Amend. Inst. (Sept. 5, 2025), https://knightcolumbia.org/content/a-bad-deal-why-using-the-ihra-definition-of-antisemitism-on-campus-is-incompatible-with-academic-freedom-and-students-right-to-open-inquiry.

Even more, Stern has testified before the United States Senate and House of Representatives on four occasions about the dangers of applying the IHRA definition in contexts that chill speech and warned of the damage caused by official adoption of the definition.

When the very architect of the IHRA definition warns that its application in educational settings is dangerous and counterproductive, school districts such as yours should take that warning seriously.

V. The IHRA Definition Conflates Criticism of a Foreign Government with Bigotry Against a People

One of the IHRA definition's central flaws is that seven of its eleven illustrative examples focus on the State of Israel rather than on Jewish people.[7] All Americans, including your students, have a First Amendment right to criticize any state, including their own. Just as criticism of Russia's policies is not anti-Russian bigotry, criticism of Israel's policies is not anti-Jewish bigotry. By treating such criticism as presumptively antisemitic, the IHRA definition dangerously recasts ordinary political discourse as actionable misconduct. Not only is this constitutionally impermissible, but it is also intellectually dishonest and harmful to the students and faculty in your District.

The IHRA definition also harms the very Jewish students it purports to protect by presuming that Jewish identity is inherently aligned with the State of Israel, thereby imposing a national affiliation on a protected religious and ethnic identity. In essence, the IHRA definition presumes that criticism of Israel is an attack on Jews, thereby treating all Jews as though they are collectively represented by, and loyal to, a foreign state. Dictating to Jewish students and educators how they may express their Jewish identity would itself violate Title VI of the Civil Rights Act by setting a legal definition for "authentic" Jewish identity.

Your District must not adopt a definition that harms the very community it claims to protect. Jewish students in your District deserve protection from genuine antisemitism, not a framework that polices their political expression, fractures their community, and dictates the boundaries of acceptable Jewish identity.

VI. The IHRA Definition Chills Academic Freedom and Harms All Students

The real-world consequences of adopting the IHRA definition in schools are deeply troubling. Across the country, it has been invoked to cancel events, suppress speakers, challenge

[7] *See* International Holocaust Remembrance Alliance, *Working Definition of Antisemitism* (May 26, 2016), https://holocaustremembrance.com/resources/working-definition-antisemitism

course materials, and file complaints against educators engaged in constitutionally protected academic discourse.[8]

The chilling effect in the K–12 context is especially acute. Teachers who are told that certain political viewpoints constitute "antisemitism" will inevitably self-censor, depriving students of the open and honest education they deserve. History teachers may hesitate to draw comparisons among instances of state-sponsored violence, while social studies teachers may avoid discussions of international human rights altogether. Students will learn that critical thinking is not valued, and that some questions are simply too dangerous to ask.

Moreover, Muslim students, as well as students of Palestinian and Arab descent, will receive the unmistakable message that their lived experiences, family histories, and personal perspectives are not welcome in their own school district, and that speaking openly may come at a cost. But this harm does not stop there: by casting protected political expression as suspect, the IHRA framework teaches students of all backgrounds that open inquiry is dangerous and that some truths are safer left unsaid.

VII. New Jersey Already Has Robust Anti-Discrimination Protections

We are fortunate that New Jersey already has one of the most comprehensive anti-discrimination statutes in the nation. Our Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1 *et seq.*, prohibits discrimination on the basis of race, creed, color, national origin, ancestry, nationality, and numerous other protected categories in places of public accommodation, including schools. The LAD already provides robust protections for Jewish students, as well as for Muslim, Arab, Palestinian, and all other students.

In fact, the LAD leaves no gap in New Jersey law for the IHRA definition to fill. To the contrary, adopting the IHRA definition would effectively create a hierarchy among protected groups, singling out one form of alleged bias for special definitional treatment while leaving others without any comparable protections. IHRA would also create an inherent conflict by treating political speech about Israel as presumptively antisemitic, a position irreconcilable with the LAD's protection of all students from discrimination, including Palestinian, Arab, and Muslim students, whose political expression and cultural identity would be placed at risk under the IHRA framework.

The only principled course, then, is to rely on New Jersey's existing, viewpoint-neutral framework under the Law Against Discrimination, which protects all students equally.

In light of the foregoing, CAIR-NJ respectfully requests that the District take the following steps:

[8] Sahar Aziz & Raz Segal, *Threats to Free Speech and Palestinian Civil Rights: The IHRA Definition of Antisemitism*, Rutgers Center for Security, Race and Rights (2025).

1. Clarify to administrators and faculty that New Jersey schools are not legally bound by the IHRA definition of antisemitism, and that Executive Order 13899 applies only to federal executive agencies.

2. Refrain from adopting, incorporating, or applying the IHRA definition in any District policy, training, or disciplinary measure, and ensure that all anti-discrimination training remains consistent with New Jersey's LAD and does not treat criticism of any foreign government as presumptive evidence of bigotry.

3. Affirm the District's commitment to protecting the free-expression rights of all students and educators, and develop viewpoint-neutral anti-discrimination policies that protect all students, including Jewish, Palestinian, Arab, and Muslim student, from genuine harassment and discrimination without chilling constitutionally protected speech

CAIR-NJ stands ready to work with your District toward these goals. We believe that protecting all students from bigotry and protecting their right to think, speak, and learn freely are not competing objectives; they are the same objective. New Jersey's existing legal framework is more than adequate to achieve it.

We look forward to connecting with you.

Very truly yours,

Naureen Akhter
Public Affairs Director, CAIR-NJ

Encl.

cc: Yvonne Bouknight, President, Board of Education — Via-Email

Karen Bingert, Executive Director, New Jersey Principals and Superintendents Association — Via-Email