

August 12, 2019

Ms. Soomin Chao, Chairperson
Instructional Quality Commission
California Department of Education
1430 N Street
Sacramento, CA 95814-5901

RE: Ethnic Studies Model Curriculum (ESMC) of 2019

Dear Chairperson Chao:

The 2019 draft ESMC runs afoul of the legislative intent expressed in AB 2016, (codified in Education Code 51226.7) which states in part, as cited below in Section 1 (f) and (g);

Assembly Bill No. 2016

(f) The state's educational standards should be guided by core values of equity, inclusiveness, and universally high expectations.

(g) The state is committed to its efforts to provide all pupils with excellent educational opportunities, without regard to race, gender, ethnicity, nationality, income, sexual orientation, or disability.

It is a sad day when a society based upon humanitarian and pluralistic values seeks to demonize and single out one ethnic/religious groupthe Jewish people...as the cause for many of our societal ills. The Legislative intent underlying EDC 51226.7, laudable for its goal of promoting tolerance among all peoples, has now been debauched and commandeered by a narrow political commission with an agenda to demonize the Jewish people and their national homeland, Israel. It is utterly horrifying that the state of California, which prides itself as a leader for human rights and social justice, has produced a draft curriculum so invidious that it runs afoul of the U.S.Department of State definition of anti-Semitism. (<https://20092017.state.gov/j/drl/rls/fs/2010/122352.htm>).

The proposed curriculum, which was birthed from a state mandate to foster tolerance, in fact does the opposite: it advances unlawful discrimination against one religious/ethnic group in violation of Title VI of the Civil Rights Act of 1964, as enforced by the Department of Education's Office for Civil rights. (see also U.S. Senate Bill 852, introduced March 14, 2019, "To provide for the consideration of a definition of anti-Semitism for the enforcement of Federal anti-discrimination laws concerning programs or activities").

The draft ESMC erases American Jewish Culture. There is no reference to Jews, none. Not even the ESMC Glossary of terminology includes the term “Anti-Semitism”. This omission smacks of purposeful propaganda when understood together with the fact that the U.S. Department of Justice 2017 Hate Crimes Statistics show 60% of hate crimes are against Jews.

In fact, the complete failure to discuss the Jewish people as a minority group that has contributed greatly to California society while suffering historical discrimination, is evidence of the authors' egregious animus toward this one particular minority/ ethnic group. Point in fact: the authors of the ESMC transgress into Middle East politics as the sole context within which Jews are mentioned, and in doing so, denigrate the Jewish people's national homeland...Israel... as a *contributing* cause of hatred. No other ethnic/minority group's indigeneity is so maligned. In the Sample Course Models, Chapter 2, p.268-9, the authors recommend rap lyrics that besmirch Jews and the world's only Jewish nation by asserting Israelis “use the press so they can manufacture....”, which is a quintessential anti-Semitic conspiratory slur about Jews and imagined control of the media.

These references fit neatly within the U.S. Department of State's working definition of anti-Semitism, which include:

-“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”; and, “Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective---such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.” . <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm>

In addition, the draft ESMC falsely equates the Boycott, Sanctions and Divestment movement (BDS) against the democratic state of Israel as akin to other U.S. civil rights movements. In fact, the BDS movement seeks to eliminate the sovereign nation of Israel, and unlawfully discriminates against scientists, artists and academicians based on their religion and national/ethnic origin. The BDS movement IS discriminatory and violates the underpinnings of both the U.S. and State constitutions which forbid unequal treatment and unlawful acts based on race, religion, ethnicity, gender, etc.

Moreover, the drafters' inclusion of the BDS movement as a form of "ethnic studies" is sadly ironic in light of California law (Public Contract Code Section 2010,

added in 2016) which prohibits any person or entity that engages in BDS from entering into a contract with the State of California. So would the state of California and local school districts be asked to violate California's public contract statute by purchasing BDS curriculum from outside vendors?

In sum, the advisory committee members read the wrong statutory mandate. Instead of drafting a curriculum that would alleviate bigotry in our state, they crafted a document that seeks to marginalize, demonize, and castigate Jewish students and the larger Jewish community as a whole.

Shame on them. And more shame on them.

Gail Rubin J.D.
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California taxpayer