

Congress of the United States
Washington, DC 20515

August 15, 2019

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

To Chairwoman Chao and Members of the Instructional Quality Commission:

We are writing as Members of Congress to share our concerns regarding the current draft of the Ethnic Studies Model Curriculum (ESMC). We note that the State Board of Education found the current draft model curriculum falls short of Governor Newsom's vision of a California for all, and therefore needs to be substantially redesigned. The Superintendent of Public Instruction has also determined that the curriculum is deeply problematic and must be revised. It is rare for members of the United States Congress to write about a State of California matter, but the current draft of the ESMC reflects such anti-Jewish bias that we find it necessary to comment.

Specifically, we find that the lack of consideration of the American Jewish experience is jarring, and fundamentally inconsistent with the purposes of ethnic studies. We want to thank the State Board of Education for its commitment to adopt an ethnic studies model curriculum that aligns with California's values. As you work to revise the curriculum, we urge you to drastically improve its treatment of the Jewish experience.

California Jewish Caucus Letter of July 29, 2019

We fully endorse and subscribe to the letter sent to you by the Jewish Caucus of the California State Legislature on June 29, 2019 and signed by sixteen (16) members of the State Legislature.

Additional Comments from a Federal Perspective

Civil Rights Act Violation

The Obama Administration determined that Title VI of the Civil Rights Act of 1964 applies to Jewish students, although the statute explicitly applies to "race or national origin". The ESMC

appears to constitute anti-Semitism under the guidance of and precedents set by the Civil Rights Division of the United States Department of Education, which enforces Title VI.¹

Conflict with Federal and Congressional Policy

The current draft of the ESMC adopts as state policy certain highly questionable positions regarding foreign policy, which is a responsibility of the federal government. On July 23, 2019 the House of Representatives passed *Opposing Efforts to Delegitimize the State of Israel, Etc. Act* by a vote of 398 to 17. The affirmative votes included 209 Democrats and 189 Republicans. The ESMC substantially conflicts with said Resolution, which provides in part:

“Whereas cooperation between Israel and the United States is of great importance, especially in the context of rising anti-Semitism...”

“Whereas the Global BDS Movement targets not only the Israeli government but also Israeli academic, cultural, and civil society institutions, as well as individual Israeli citizens of all political persuasions, religions, and ethnicities, and in some cases even Jews of other nationalities who support Israel...”

“Whereas in contrast to protest movements that have sought racial injustice and social change, the Global Boycott, Divestment and Sanctions Movement targeting Israel is not about promoting coexistence, civil rights, and political reconciliation but about questioning and undermining the very legitimacy of the country and its people: Now, therefore, be it

Resolved, That the House of Representatives –

(1) opposes the Global Boycott, Divestment, and Sanctions Movement (BDS Movement) targeting Israel... and all efforts to delegitimize the State of Israel...”

Conclusion

Anti-Semitic incidents rose 57% in 2017, the largest single year increase on record, and in October of 2018, we witnessed the deadliest attack against Jews in U.S. history.

Assuming that the intention of the ESMC is to provide culturally meaningful content that has a positive impact on students in the California public education system, the current draft of the

¹ While usually enforced as to colleges, Title VI is legally applicable to high schools as well. See Lau v. Nichols, 414 U.S. 563 (1974).

ESMC does not achieve that goal. We urge that your revised draft address these concerns, and we look forward to working together in the future to combat the recent surge in anti-Semitism with inclusive educational programming, and to work for a society free of bigotry in all its forms.

Sincerely,



BRAD SHERMAN
Member of Congress



KEN CALVERT
Member of Congress



PAUL COOK
Member of Congress



MIKE LEVIN
Member of Congress



SUSAN A. DAVIS
Member of Congress