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August 19, 2024

Dear AAJLJ Members and Friends,

In just under a week, three separate courts – two U.S. district courts and a state trial-level court – issued decisions demonstrating that the judicial system will not be diverted or gaslighted from taking seriously the antisemitic harassment, discrimination and physical assault that has roiled our nation over the last year. These decisions show, as well, the critical role played by lawyers working zealously to vindicate the civil rights of Jewish Americans.

Stated briefly, the three cases are:

- *Kestenbaum v. President and Fellows of Harvard College*, in which, on August 6th, the U.S. District Court for Massachusetts denied Harvard University’s motion to dismiss a Title VI civil rights complaint alleging that Harvard “ignored discrimination against Jewish and Israeli students.” The court found that Harvard failed “... to address... an eruption of antisemitism on the Harvard campus... [T]he facts as pled show that Harvard failed its Jewish students...[and] plausibly establish that Harvard’s response failed Title VI’s commands.” Plaintiffs are represented by, among others, Kasowitz Benson Torres and Friedman.
- *Frankel v. Regents of the University of California*, in which, on August 13th, the U.S. District Court for the Central District of California, granted a preliminary injunction against UCLA, finding that Jewish students were likely to prevail on Free Exercise claims for being harassed and excluded by campus “encampments.” The court’s opinion described as “unimaginable” and “abhorrent to our constitutional guarantee of religious freedom” the fact that Jewish students were excluded from portions of the UCLA campus because they “refused to denounce their faith,” namely their “religious beliefs concerning the Jewish state of Israel.” The court prohibited UCLA “from allowing or facilitating the exclusion of Jewish students from ordinarily available portions of UCLA’s programs, activities, and campus areas,” and directed the university to “instruct...all campus security teams...that they are not to aid or participate in any obstruction of access” for Jewish students to “programs, activities, and campus areas ordinarily available to other students.” Plaintiffs are represented by The Becket Fund.
- On August 9, 2024, a Los Angeles Superior Court Judge ordered two “protestors” to pay more than \$1.6 million in punitive damages to hate crime victim Mher Hagopian. Hagopian, a non-Jew, was assaulted on May 18, 2021, outside a Los Angeles restaurant when he sought to protect Jewish friends and other diners from a mob who attacked them while chanting antisemitic profanities and flying Palestinian flags. Hagopian suffered severe physical and emotional harm. Hagopian’s pro bono attorney attributed the substantial award to the outrageous nature of the antisemitic attack, including explicitly anti-Jewish hate speech, some of which was captured via text messages. Two such texts said, “I never got to

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hit a Jew before so I'm Kinda Happy;" and "I need a blunt and then we go find Jews..." Glaser Weil Associate Simon Moradzadeh spearheaded the litigation, alongside firm partners Patty Glaser and Julie Gerchik. We are pleased to note that Parry Glaser was bestowed the AAJLJ Pursuit of Justice Award in 2021.

Two of these cases are at preliminary stages, to say nothing of the potential of appeal in all three. Nevertheless, they are an object lesson that those who would target Jews, whether or not under the mask of "anti-Zionism" or purported criticisms of Israel, or who fail to protect Jews from discrimination or harassment on the same terms as they would other ethnic or religious groups, proceed at their peril. The courts who rendered these rulings are to be praised for their ability to see through the clouds of obfuscation that sought to divert them from assuring that Jews are not to be treated as children of a lesser god – and so also are the attorneys who have dedicated their energy and legal acumen to bringing about these results.

AAJLJ will continue to keep you posted on cases of interest, and invites, as well, your continued support in promoting the interests of the Jewish American legal community.

With best regards,

Richard T. Foltin
Executive Director