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AGUDATH ISRAEL OF AMERICA
6 and the UNION OF ORTHODOX
JEWISH CONGREGATIONS OF AMERICA
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 YITZCHOK FRANKEL;
12 JOSHUA GHAYOUM; and
EDEN SHEMUELIAN,

13 Plaintiffs,

14 vs.

15 REGENTS OF THE UNIVERSITY OF
16 CALIFORNIA; MICHAEL V. DRAKE,
President of the University of California;
17 GENE D. BLOCK, Chancellor, University
of California, Los Angeles; DARNELL
18 HUNT, Executive Vice-President and
Provost; MICHAEL BECK,
19 Administrative Vice Chancellor;
MONROE GORDEN, JR., Vice
20 Chancellor; and RICK BRAZIEL,
Assistant Vice Chancellor, each in both
21 his official and personal capacities,

22 Defendants.
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Case No. 2:24-cv-04702-MCS-PD

**[PROPOSED] BRIEF OF AMICI
CURIAE AGUDATH ISRAEL OF
AMERICA AND THE UNION OF
ORTHODOX JEWISH
CONGREGATIONS OF AMERICA IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

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INTEREST OF AMICI CURIAE

1
2 Agudath Israel of America is a 102-year-old nonprofit Orthodox Jewish
3 umbrella organization. Agudath Israel’s headquarters are located in New York City,
4 and it serves over 30 states, including California, with its network of regional and
5 state offices, affiliated synagogues, summer camps, special education, youth services,
6 and religious study programs. Agudath Israel regularly intervenes at all levels of
7 government—including through the submission of, or participation in, *amicus curiae*
8 briefs—to advocate and protect the interests of the Orthodox Jewish community in
9 the United States.

10 The Union of Orthodox Jewish Congregations of America (“Orthodox Union”)
11 is the nation’s largest Orthodox Jewish umbrella organization, representing nearly
12 1,000 congregations across the United States. The Orthodox Union, through its OU
13 Advocacy Center, has participated as *amicus curiae* in many cases that raise issues of
14 importance to the Orthodox Jewish community. The Orthodox Union also has a
15 presence on the UCLA campus, through its Jewish Learning Initiative on Campus
16 program, which serves and supports Jewish students.

17 *Amici* have a strong interest in ensuring that Jewish students have equal access
18 to education, and that Jewish students do not face harassment and threats because of
19 their faith. The outbreak of antisemitic incidents on university campuses nationwide
20 sharply undercut that interest. At UCLA and many other universities, Jewish students
21 were physically prevented from accessing significant portions of the campus because
22 of their faith and support for Israel. Orthodox Jewish students were also
23 disproportionately targets of harassment and intimidation because of their religious
24 dress, and UCLA’s policies impeded Orthodox Jewish students from practicing their
25 faith by wearing religious garb. *Amici* therefore have a strong interest in ensuring that
26 UCLA prevents the formation of yet another round of encampments, and the
27
28

1 accompanying exclusion, harassment, and intimidation of Jewish students, when school
2 starts up again in the fall.¹

3 **ARGUMENT**

4 *Amici* urge that Plaintiffs satisfy all four of the preliminary injunction factors: (1)
5 they have Article III standing and are likely to succeed on the merits; (2) they will suffer
6 irreparable harm absent injunctive relief; (3) the balance of the equities favors relief;
7 and (4) an injunction supports the public interest. *See Fellowship of Christian Athletes*
8 *v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 683 (9th Cir. 2023) (en banc).
9 *Amici* write to put this litigation into the broader context of increased antisemitism on
10 college campuses, and to emphasize the public interest in ensuring that Jewish students
11 have full and equal access to education and are not harassed on the basis of their
12 religious beliefs or dress. “Protecting religious liberty and conscience is obviously in
13 the public interest.” *State v. Azar*, 911 F.3d 558, 582 (9th Cir. 2018).

14 **I. ANTISEMITISM AT UCLA AND OTHER COLLEGE CAMPUSES**

15 Even before the October 7 terrorist attack, antisemitic incidents were on the rise
16 in the United States. In 2022, the FBI reported 1,124 hate crimes against Jews—a 36%
17 increase over 2021, and the highest number recorded since 1993.² Beyond hate crimes,
18 the Anti-Defamation League (“ADL”) has reported that antisemitic incidents have been
19 on the rise since 2013. In 2022, ADL reported 3,697 antisemitic incidents, nearly five
20 times more than in 2013.³ According to a Pew survey, more than half of American Jews
21
22

23 _____
24 ¹ Counsel for *amici* states that no counsel for a party authored this brief in whole or in
25 part, and no person or entity other than *amici* or their counsel made a monetary
26 contribution to this brief’s preparation or submission.

27 ² *See Crime Data Explorer*, FBI,
28 <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime> (last
visited July 16, 2024).

³ *See Audit of Antisemitic Incidents*, ADL (Mar. 23, 2023), <https://www.adl.org/audit-antisemitic-incidents>.

1 felt less safe in 2020 than they did five years earlier (53%), while a tiny minority (3%)
2 felt things were getting better.⁴

3 On October 7, 2023, Hamas committed the deadliest attack on Israel and its
4 citizens since Israel was established in 1948.⁵ Hamas terrorists murdered more than
5 1,200 people in the attack.⁶ At the Nova music festival alone, hundreds of civilians were
6 “shot, bludgeoned or burned to death” and dozens were taken hostage.⁷ The attack
7 sparked the ongoing Israel-Hamas conflict—and a new wave of antisemitic incidents in
8 the United States.⁸ According to a Hillel International report, the number of reported
9 antisemitic incidents on college campuses increased by 700% after October 7 compared
10 to the year earlier.⁹

11 **A. UCLA’s Failures Following October 7**

12 The allegations in the complaint make clear that the conduct at issue in this case
13 goes far beyond protected First Amendment speech. Rather, the complaint puts into
14 sharp focus UCLA’s failure to ensure that Jewish students enjoy full and equal access
15 to education.

17 ⁴ *Jewish Americans in 2020*, PEW (May 11, 2021),
18 <https://www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020/>.

19 ⁵ Daniel Byman et al., *Hamas’s October 7 Attack: Visualizing the Data*, CSIS (Dec.
20 19, 2023), <https://www.csis.org/analysis/hamass-october-7-attack-visualizing-data>.

21 ⁶ Saidel et al., *Hamas Took More Than 200 Hostages From Israel. Here’s What We*
22 *Know*, WSJ (July 22, 2024), [https://www.wsj.com/world/middle-east/hamas-hostages-](https://www.wsj.com/world/middle-east/hamas-hostages-israel-gaza-41432124)
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24 ⁷ Amir Cohen, *At Israeli Rave Site Hit by Hamas, Music Plays Again for the Dead*,
25 REUTERS (Nov. 29, 2023), [https://www.reuters.com/world/middle-east/israeli-rave-](https://www.reuters.com/world/middle-east/israeli-rave-site-hit-by-hamas-music-plays-again-dead-2023-11-29/)
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27 ⁸ Laruen Sofrza, *Antisemitism Surging Worldwide Since Oct. 7 Attack: Report*, THE
28 HILL (May 6, 2024), [https://thehill.com/blogs/blog-briefing-room/4646435-](https://thehill.com/blogs/blog-briefing-room/4646435-antisemitism-surging-worldwide-since-october-7-attack-report/)
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30 ⁹ *See Antisemitism on College Campuses: Incident Tracking from 2019–2024*, HILLEL
31 INTERNATIONAL (July 23, 2024), [https://www.hillel.org/antisemitism-on-college-](https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/#:~:text=1%2C826,increase%20compared%20to%20last%20year.)
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33 [2023/#:~:text=1%2C826,increase%20compared%20to%20last%20year.](https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/#:~:text=1%2C826,increase%20compared%20to%20last%20year.)

1 First, the allegations in the complaint show that political protests quickly
2 escalated into harassment, threats, and open calls for violence. Days after the attack,
3 demonstrators chanted “slaughter the Jews” in Arabic at the center of UCLA’s campus.
4 Compl. ¶ 58. A book with a swastika on the cover and a piece of paper entitled
5 “Loudmouth Jew” were placed outside of a UCLA faculty member’s home. *Id.* ¶ 61.
6 Meanwhile, a student group chanted “beat that fucking Jew” while bashing a piñata
7 with a picture of the Israeli Prime Minister. Shemuelian Decl. ¶ 40. And agitators tore
8 down posters of hostages kidnapped and tortured on October 7. Ghayoum Decl. ¶ 22.
9 Indeed, Chancellor Gene Block herself acknowledged the “disturbing rise of
10 antisemitism” on UCLA’s campus. Compl. ¶ 56. On ADL’s “Antisemitism Report
11 Card,” UCLA received an “F.”¹⁰

12 Second, the allegations in the complaint show that UCLA allowed protesters to
13 exclude Jewish students from the heart of the campus. On April 25, 2024, protesters
14 established an unauthorized physical encampment in the middle of UCLA’s campus.
15 *Id.* ¶ 88. Activists in the encampment chanted threats like “death to Jews” and “death
16 to Israel.” Ghayoum Decl. ¶ 29. The chants were accompanied by antisemitic symbols
17 like swastikas, pigs, and inverted red triangles (commonly used by Hamas to denote
18 Jewish targets). Compl. ¶¶ 97–100. The activists reinforced the encampment with
19 barricades, which could only be passed by condemning Israel. *Id.* ¶ 109. The
20 encampment thus excluded from key parts of campus the plaintiffs and any other Jewish
21 person with a religious obligation to support Israel and its right to exist, in violation of
22 the Free Exercise Clause and other constitutional rights. *See* Frankel Decl. ¶¶ 9–13;
23 Ghayoum Decl. ¶ 11; Shemuelian ¶¶ 11, 28.

24 Notably, UCLA did not respond by taking immediate action to enforce basic
25 time, place, and manner rules to ensure that all students, including Jewish students, had
26 full and equal access to campus. Instead, it attempted to “de-escalate the situation by
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28 ¹⁰ *Campus Antisemitism Report Card*, ADL, <https://www.adl.org/campus-antisemitism-report-card> (last visited July 24, 2024).

1 allowing the protest to continue, while attempting to confine its footprint.” UCLA Mem.
2 15. That passivity prolonged the exclusion of Jews, and ultimately failed: UCLA
3 eventually sought law enforcement assistance to clear the encampment. *See id.*

4 Perhaps UCLA’s decision could be defended at first. But UCLA did the same
5 thing again and again and, each time, the policy led to a similar result: After the first
6 encampment was cleared, another encampment sprung up on May 23, and then yet
7 another on June 10. Shemuelian Ex. 25; Rassbach Exs. 20–21. Each time, UCLA’s
8 purported “de-escalation” policy prolonged the exclusion of Jewish students. *See*
9 *Brazil Ex. 2* at 47. As Plaintiffs persuasively argue, only an injunction will prevent a
10 repeat when school resumes in the fall.

11 **B. UCLA Is Paradigmatic, But Far From Alone**

12 *Amici* urge that UCLA’s failures are emblematic of a broader problem at many
13 universities, whose passivity in the face of antisemitic encampments deprived Jewish
14 students, and especially Orthodox Jewish students, of full and equal access to
15 educational opportunities on college campuses.

16 The Crowd Counting Consortium at Harvard University’s Ash Center for
17 Democratic Governance and Innovation found that protests had turned into
18 encampments at more than 130 schools.¹¹ Encampments were particularly prevalent at
19 prestigious universities, including Harvard, Columbia, Stanford, Yale, Penn,
20 Dartmouth, Princeton, Cornell, Vanderbilt, Brown, Michigan, Berkeley, and MIT.¹²
21 Many schools have either settled lawsuits or entered into agreements with the Office of
22 Civil Rights to protect Jewish students going forward, including Michigan, the City
23 University of New York, and Lafayette College.¹³

24 _____
25 ¹¹ Jay Ulfelder, *Crowd Counting Consortium: An Empirical Overview of Recent Pro-*
26 *Palestine Protests at U.S. Schools*, Harvard (May 30, 2024),
[https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-](https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/)
27 [pro-palestine-protests-at-u-s-schools/](https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/).

¹² *Id.*

28 ¹³ Robin Hattersley, *UPDATE: OCR Announces Resolution Agreement with Lafayette*
College for Title VI Violations During Israel-Palestine Protests, CAMPUS SAFETY

1 Columbia University sparked the trend of encampments nationwide when, on
2 April 17, students set up barricades on the south lawn, in front of the historic Butler
3 Library.¹⁴ The encampment took over a key space on campus and included threats and
4 harassment. In one instance, a video captured a protestor holding a sign saying “Al-
5 Qasam’s Next Targets”—referring to the military wing of Hamas—next to Jewish
6 counter-protesters.¹⁵ In another video, a leader of the encampment at Columbia said
7 “Zionists don’t deserve to live” and “Be grateful that I’m not just going out and
8 murdering Zionists.”¹⁶ Columbia nonetheless allowed the encampment to continue for
9 2 weeks before clearing it.¹⁷ Like UCLA, Columbia faced a lawsuit, which it settled.¹⁸

10 Harvard was similarly passive in response to widespread harassment, threats, and
11 discrimination against Jewish students. The day after the attack on October 7, students
12 groups led by the Palestine Solidarity Committee published a letter saying they held
13 “the Israeli regime entirely responsible” for the massacre.¹⁹ Building occupations and

14
15 (June 25, 2024), [https://www.campussafetymagazine.com/news/ocr-finds-university-](https://www.campussafetymagazine.com/news/ocr-finds-university-of-michigan-cuny-didnt-follow-title-vi-when-responding-to-harassment-of-jewish-and-muslim-students/159001/)
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17 ¹⁴ *How Columbia University Became the Driving Force Behind US Protests Over the*
18 *War in Gaza*, NBC (May 1, 2024), [https://www.nbcnewyork.com/news/local/protests-](https://www.nbcnewyork.com/news/local/protests-today-nyc-columbia-gaza-timeline/5372239/)
19 [today-nyc-columbia-gaza-timeline/5372239/](https://www.nbcnewyork.com/news/local/protests-today-nyc-columbia-gaza-timeline/5372239/).

19 ¹⁵ Luis Ferré-Sadurní et al., *Some Jewish Students Are Targeted as Protests Continue*
20 *at Columbia*, N.Y. TIMES (Apr. 21, 2024),
21 <https://www.nytimes.com/2024/04/21/nyregion/columbia-protests-antisemitism.html>.

21 ¹⁶ Lexi Lonas, *Columbia Protest Leader: ‘Be grateful that I’m not just going out and*
22 *murdering Zionists’*, THE HILL (Apr. 26, 2024),
23 [https://thehill.com/homenews/education/4624467-columbia-university-protests-pro-](https://thehill.com/homenews/education/4624467-columbia-university-protests-pro-palestinian-video-student/)
24 [palestinian-video-student/](https://thehill.com/homenews/education/4624467-columbia-university-protests-pro-palestinian-video-student/).

24 ¹⁷ Katrina Ventura, *Here’s a Timeline of Columbia’s 14-Day Gaza Solidarity*
25 *Encampment*, COLUMBIA JOURNALISM SCH. (May 3, 2024),
26 <https://columbianewsservice.com/2024/05/03/protest/>.

26 ¹⁸ Ramishah Maruf, *Columbia University Settles with Jewish Student Who Sued Over*
27 *Hostile Environment on Campus*, CNN (June 4, 2024),
28 [https://www.cnn.com/2024/06/04/business/columbia-university-settles-jewish-](https://www.cnn.com/2024/06/04/business/columbia-university-settles-jewish-student-hostile-environment-on-campus/index.html)
[student-hostile-environment-on-campus/index.html](https://www.cnn.com/2024/06/04/business/columbia-university-settles-jewish-student-hostile-environment-on-campus/index.html).

¹⁹ Nadine El-Bawab, *How Pro-Palestinian Protests Unfolded on College Campuses*

1 widespread discrimination followed.²⁰ On January 10, 2024, Jewish students filed a
2 lawsuit claiming Harvard had become “a bastion of rampant anti-Jewish hatred and
3 harassment,” with protesters occupying buildings and “calling for death to Jews and
4 Israel.”²¹ In April and early May, an encampment persisted for nearly three weeks.²² On
5 May 22, the Brandeis Center filed another lawsuit, based on Harvard’s deliberate
6 indifference to “cruel anti-Semitic bullying, harassment, and discrimination.”²³

7 Jewish students at New York University faced a similar environment. In October
8 2023, a student at NYU tore down posters of the hostages that had been abducted by
9 Hamas.²⁴ Pervasive protests and an encampment followed. NYU was sued for its failure
10 to address this antisemitism, including a student who was assaulted and called a “dirty
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14 *Across the US: A Timeline*, ABC NEWS (May 4, 2024),
15 <https://abcnews.go.com/US/pro-palestinian-protests-unfolded-college-campuses-us-timeline/story?id=109902300>.

16 ²⁰ See Michelle Amponsah, *Jewish Students Sue Harvard University, Allege ‘Severe’*
17 *Antisemitism on Campus*, THE CRIMSON (Jan. 12, 2024),
18 <https://www.thecrimson.com/article/2024/1/12/harvard-lawsuit-campus-antisemitism/>.

19 ²¹ *Jewish Students Sue Harvard Over Charges of Antisemitism*, THE GUARDIAN (Jan.
20 12, 2024), <https://www.theguardian.com/education/2024/jan/12/harvard-lawsuit-jewish-students-antisemitism#:~:text=Several%20Jewish%20students%20have%20filed,%2DJewish%20hatred%20and%20harassment%E2%80%9D>.

21 ²² Neal Riley & Louisa Moller, *Harvard University Encampment Comes Down, Ending Boston-Area Campus Tent Protests*, CBS NEWS (May 14, 2024),
22 <https://www.cbsnews.com/boston/news/harvard-yard-encampment-ending-student-discipline/>.

23 ²³ *Legal Claims Against Harvard University*, BRANDEIS CENTER,
24 <https://brandeiscenter.com/legal-claims-against-harvard-university/> (last visited July
25 22, 2024).

26 ²⁴ Rebecca Rosenber, *NYU Student Admits Tearing Down Israeli Hostage Posters, Blames ‘Misplaced Anger’*, Fox News (Oct. 18, 2023),
27 <https://www.foxnews.com/us/nyu-student-admits-tearing-down-israeli-hostage-posters-blames-misplaced-anger>.
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1 fucking Jew.”²⁵ In July, NYU entered into a historic settlement, agreeing to combat
2 discrimination and support Jewish students.²⁶

3 Stanford University had the longest-running encampment in the country, lasting
4 120 days.²⁷ During that time, the Jewish Advisory Committee noted many disturbing
5 incidents, including mezuzahs ripped from doorframes and a swastika drawn on a
6 Jewish student’s door. Students were intimidated, ostracized, and harassed simply for
7 identifying as Jewish.²⁸ And, at Cornell, the President recently stepped down after
8 facing encampments, a student who threatened to “shoot up” a kosher dining hall, and
9 a professor who said he was “exhilarated” by the October 7 attack.²⁹

10 Critically, experience at other universities shows that this kind of exclusion and
11 harassment was not inevitable: Other administrations were clearer about the importance
12 of obeying basic time, place, and manner rules, and those different policies produced
13 markedly better results. For example, the University of Texas at Austin dismantled an
14 encampment on the day it was formed.³⁰ Administrators released a clear statement
15 indicating that free speech events had and would be allowed, but violations of

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17 ²⁵ Celina Tebor, *3 Jewish students sue New York University Over Antisemitism*
18 *Response*, CNN (Nov. 15, 2023), [https://www.cnn.com/2023/11/15/us/jewish-](https://www.cnn.com/2023/11/15/us/jewish-students-sue-new-york-university/index.html)
19 *Jewish Students Who Complained of Pervasive Antisemitism*, AP NEWS (July 9, 2024),
20 [https://apnews.com/article/nyu-israel-gaza-protests-university-settlement-](https://apnews.com/article/nyu-israel-gaza-protests-university-settlement-d01dfeb589ad95f3007e1fb63d86845a)

21 ²⁶ *Id.*

22 ²⁷ See Ulfelder, *supra* note 10.

23 ²⁸ Larry Diamond et al., *“It’s in the Air”: Antisemitism and Anti-Israeli Bias at*
24 *Stanford, and How to Address It*, STANFORD (May 31, 2024),
https://news.stanford.edu/__data/assets/pdf_file/0033/156588/ASAIB-final-report.pdf.

25 ²⁹ *Cornell University President Quits Amid Campus Antisemitism, Gaza Protests*,
26 *TIMES OF ISRAEL*, [https://www.timesofisrael.com/cornell-university-president-quits-](https://www.timesofisrael.com/cornell-university-president-quits-amid-campus-antisemitism-gaza-protests/)

27 ³⁰ S.E. Jenkins, *Protest Encampment Forcibly Dismantled, Arrests Made at UT*
28 *Austin*, CBS NEWS (Apr. 30, 2024),
[https://www.cbsnews.com/texas/news/encampments-forcibly-dismantled-arrests-](https://www.cbsnews.com/texas/news/encampments-forcibly-dismantled-arrests-made-at-ut-austin/)

1 institutional rules and threats to student safety would not.³¹ Likewise, the University of
2 Arizona acted immediately to break up encampments—twice.³² Administrators directed
3 local law enforcement “to immediately enforce campus use policies and all
4 corresponding laws without further warning.”³³ At these universities, encampments and
5 the accompanying antisemitism, neither persisted nor returned.

6 This broader context reinforces the public interest in an injunction in this case.
7 Encampments have repeatedly denied Jewish students of equal access to university life
8 and gone hand-in-hand with harassment and threats. And real-world experience shows
9 that compelling UCLA to abandon its passive approach would help to remedy the harm
10 and restore equality: Schools that were more proactive in enforcing time, place, and
11 manner restrictions were more successful in allowing speech without countenancing
12 segregation or exclusion.

13 **C. Orthodox Jewish Students Are Particularly Likely To Be Targeted**

14 The exclusion, harassment, and threats against Jewish students at UCLA and
15 other campuses is particularly problematic for Orthodox Jews for two reasons: (1)
16 Orthodox Jews are visibly Jewish and so more likely to be targeted; and (2) the ability
17 of Orthodox Jews to practice their faith is impeded by policies that increase the risk of
18 harassment and exclusion. Indeed, each Plaintiff in this case alleges that they are visibly
19 Jewish. Compl. ¶¶ 7, 10, 21. Frankel, for example, is Orthodox, and always wears a
20 kippah. Frankel Decl. ¶¶ 5, 15.

21 Many of the antisemitic incidents reported on college campuses in the wake of
22 October 7 involve visibly Jewish students. For example, in a lawsuit filed against the
23 University of Pennsylvania, one Jewish student, “while walking on campus wearing

24 ³¹ *University of Texas at Austin Statement Regarding Today’s Protest Events*, UT
25 NEWS (Apr. 29, 2024), <https://news.utexas.edu/2024/04/29/university-of-texas-at-austin-statement-regarding-todays-protest-events/>.

26 ³² Hannah Cree, *Law Enforcement Storms Encampment on University of Arizona*
27 *Campus*, AZPM (May 1, 2024), <https://news.azpm.org/p/azpmnews/2024/5/1/220108-law-enforcement-storms-encampment-on-university-of-arizona-campus/>.

28 ³³ *Id.*

1 garb that identified her as Jewish,” recalled protestors yelling at her to “keep walking
2 you dirty little Jew.”³⁴ An Orthodox student at Yale wearing a black hat and “very
3 identifiably Jewish” reported being “harassed, pushed and shoved” as she crossed
4 campus near an encampment; she reported she was hit in the eye by a Palestinian flag
5 and ended up in the hospital.³⁵

6 This is not just a matter of safety, but a matter of faith. Encampments put
7 Orthodox Students into the untenable position of choosing between violating their
8 beliefs, or being subject to discrimination and harassment, because Orthodox dress is
9 grounded in religious exercise. For example, the authoritative Orthodox Jewish Code
10 of Law, the Shulchan Aruch, states that “a man should not walk four Amos [cubits] with
11 an uncovered head.” Thus, the most visible sign of an Orthodox Jewish male is a
12 yarmulke or kippah. *Cf. Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 540 (2022)
13 (explaining that public schools cannot prohibit a student for “wearing a yarmulke to
14 school”). Many Orthodox Jewish men also wear Tzitzit, a garment with strings on each
15 corner.³⁶ That practice is grounded in Deuteronomy 22:12, which states: “You shall
16 make yourself tassels on the four corners of the garment with which you cover
17 yourself.”

18 Yet, a report from Hillel International found that, following October 7, more than
19 one third of Jewish students felt the need to hide their Jewish identity.³⁷ Testifying

20 ³⁴ Jamiel Lynch & Carolyn Sung, *Two Students Claim the University of Pennsylvania*
21 *Has Violated the Civil Rights Act by not Protecting Jewish Students from Antisemitism*
22 *on Campus*, CNN (Dec. 8, 2023), <https://www.cnn.com/2023/12/08/business/students-claim-university-of-pennsylvania-civil-rights-antisemitism-on-campus/index.html>.

23 ³⁵ Bret Stephens, *To Be (Visibly) Jewish in the Ivy League*, N.Y. TIMES (Apr. 23,
24 2024), <https://www.nytimes.com/2024/04/23/opinion/university-jewish-antisemitism-ivy.html>.

25 ³⁶ *Tzitzit*, Merriam-Webster, www.merriam-webster.com/dictionary/tzitzit (last visited
26 July 22, 2024).

27 ³⁷ *More Than One-Third of Jewish College Students Are Forced to Hide Their Jewish*
28 *Identity, New Hillel Poll Finds*, HILLEL INTERNATIONAL (Nov. 20, 2023),
<https://www.hillel.org/more-than-one-third-of-jewish-college-students-are-hiding-their-jewish-identity-on-campus-new-hillel-international-poll-finds/>.

1 before Congress, Talia Khan, the President of the MIT Israel Alliance stated that 70%
2 of MIT’s Jewish students feel compelled to hide their identity, and she herself had
3 stopped wearing her Star of David necklace in public after October 7.³⁸ Orthodox Jewish
4 students are thus particularly likely to be targeted for harassment, abuse, and exclusion
5 when a campus is taken over by an encampment, are impeded in their ability to practice
6 their faith. The strong public interest in protecting religious worship by members of all
7 faiths, including minority faiths, thus further supports an injunction here.

8 **CONCLUSION**

9 For the foregoing reasons, the Court should grant plaintiffs’ motion for a
10 preliminary injunction.

11
12 DATED: July 24, 2024

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27 ³⁸ Talia Khan’s Congressional Testimony,
28 <https://www.congress.gov/118/meeting/house/116625/documents/HHRG-118-ED00-20231205-SD003.pdf>.