



**CLE TIMED AGENDA**  
**1.0 Credit**

***Taking Hate, Antisemitism & Extremism to Court***

***March 7, 2024 - New York, NY***

***8:30am-9:30am (Eastern)***

In a world grappling with social and cultural divisions, the legal system has become a battleground for addressing antisemitism, hate speech, discrimination, and intolerance. This panel brings together legal experts to delve into the complexities, challenges, and ethical considerations of tackling hate in courtrooms and administrative agencies. Attendees will gain a deeper understanding of the legal complexities surrounding antisemitism, hate speech and crimes, the challenges faced in pursuing such cases, and the potential pathways toward a more inclusive and just society.

- I. Fighting Hate & Antisemitism in Court .....8:30am-8:40am**
  
- II. Taking Domestic Extremism to Court.....8:40am-9:00am**
  
- III. Overview of CALL (Campus Antisemitism Legal Line).....9:00am-9:10am**
  
- IV. Title VI and the Fight Against Antizionism and Q&A.....9:10am-9:20am**
  
- V. Q & A.....9:20am-9:30am**



## ADL RESOURCES

### [ADL Democracy Initiatives Overview](#)

Experts in democracy and political violence warn that our nation is moving toward an increasingly flawed “hybrid democracy” with growing risks of autocracy, fueled by hyper-polarization and incendiary ethnonationalist divides. For Jews and other minorities and marginalized communities, this poses a particular danger. ADL has accordingly launched a new Democracy Initiatives program to face this threat head on.

### [ADL Audit of Antisemitic Incidents \(https://www.adl.org/resources/report/audit-antisemitic-incidents-2022\)](https://www.adl.org/resources/report/audit-antisemitic-incidents-2022)

Each year, ADL (Anti-Defamation League) tracks incidents of antisemitic harassment, vandalism and assault in the United States. Since 1979 we have published this information in an annual Audit of Antisemitic Incidents.

In 2022, ADL tabulated 3,697 antisemitic incidents throughout the United States. This is a 36% increase from the 2,717 incidents tabulated in 2021 and the highest number on record since ADL began tracking antisemitic incidents in 1979. This is the third time in the past five years that the year-end total has been the highest number ever recorded.

### [ADL Approach to Hate Crimes](#)

ADL is one of the leading organizations working to counteract the traumatic impact of hate crimes on individuals and entire communities and to deter and prevent such crimes. In 1981, ADL crafted the first model hate crime law in the U.S. Today, 46 states and the District of Columbia, have laws based on or similar to our model, which was unanimously upheld by the U.S. Supreme Court in 1993. Many of these state hate crime laws include [civil remedies provisions](#) that provide a private cause of action to individuals and/or state Attorneys General to seek damages and/or injunctive relief in the wake of hate crimes and other related civil rights violations.

## DEPARTMENT OF EDUCATION RESOURCES

<https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>



## CASES

### *District of Columbia v. Proud Boys, Oath Keepers et al. (D.D.C. 2021)*

On December 14, 2021, ADL joined as co-counsel (along with [States United Democracy Center](#), [Paul, Weiss, Rifkind, Wharton & Garrison LLP](#), and [Dechert LLP](#)) in filing a [federal lawsuit](#) on behalf of the District of Columbia to hold two violent groups, the [Proud Boys](#) and the [Oath Keepers](#), and their leaders and key members, accountable for the role they played in planning and carrying out the deadly January 6, 2021 attack on the U.S. Capitol. The lawsuit specifically claims these groups, through their leaders and members, caused extensive damage to the District of Columbia, and particularly to the law enforcement officers who risked their lives to defend the Capitol and our democracy that day. Key pleadings in the case can be found [here](#).



## ARTICLES

Kenneth L. Marcus, ANTI-ZIONISM AS RACISM: CAMPUS ANTI-SEMITISM AND THE CIVIL RIGHTS ACT OF 1964, 15 Wm. & Mary Bill of Rts. J. 837

Some of the materials in this Article were presented at Columbia University, the University of Michigan at Ann Arbor, Boston College, Wayne State University, the Congressional Working

Group on Human Rights and Religious Freedom, and in seminars conducted by the Institute for Jewish and Community Research in Washington, D.C., and Los Angeles.

Alyza Lewin, ARTICLE: RECOGNIZING ANTI-ZIONISM AS AN ATTACK ON JEWISH IDENTITY, 68 Cath. U.L. Rev. 643 This Article reflects the author's remarks delivered at the Heritage Foundation Symposium, "The Future of Religious Liberty in America," at the Catholic University of America, Columbus School of Law on November 9, 2018.

Alyza Lewin, Anti-Zionist Harassment is Against the Law too. SAPIR Journal

<https://sapijournal.org/antisemitism/2023/08/anti-zionist-harassment-is-against-the-law-too/>

Alyza Lewin, Recognizing Antisemitism. JNS <https://www.jns.org/column/antisemitism/23/7/27/306074/>

## CAMPAIGNS

**CALL** (Campus Antisemitism Legal Line): On November 6, 2023, ADL, along with the Louis D. Brandeis Center for Human Rights Under Law, Gibson, Dunn & Crutcher LLP and Hillel International launched a free legal protection helping students who have experienced antisemitism. With antisemitism on campus reaching all-time highs since Oct. 7, this new resource provides a way for any student, faculty, or staff member to report incidents of antisemitic discrimination, vandalism or violence that may necessitate legal action.



James Pasch (Cleveland, OH) is the ADL's Senior Director of National Litigation, after serving four years as ADL's Cleveland Regional Director (serving Ohio, Kentucky, West Virginia and Western Pennsylvania). Building on the path-breaking litigation that ADL has helped to bring in federal court for the District of Columbia against the Proud Boys and Oath Keepers for the role they played in the January 6 insurrection, James is leading a legal advocacy practice for ADL during a particularly important time, as antisemitism and extremism become more

mainstreamed, normalized and amplified both online and off.



Alyza D. Lewin (Washington, DC) is the President of the Louis D. Brandeis Center for Human Rights Under Law (“LDB”), a non-profit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education and legal advocacy to combat the resurgence of anti-Semitism on college and university campuses. It empowers students by training them to understand their legal rights, and educates administrators on best practices to combat racism and anti-Semitism on campus. Ms. Lewin is also a co-founder and partner in Lewin & Lewin, LLP where she has specialized in litigation, mediation and government relations. Her experience includes criminal defense, civil litigation and anti-discrimination matters.



**JUSTIN E. HERDMAN, Partner, Jones Day (Cleveland, OH)**

**Justin Herdman, a former United States Attorney, is a trial lawyer who represents businesses and individuals involved in high-stakes government investigations, criminal litigation, and civil actions. Justin's practice is focused on obtaining favorable results in matters arising from alleged violations of state and federal laws, including fraud, the Foreign Corrupt Practices Act (FCPA), and the False Claims Act (FCA). He has successfully tried numerous cases in state and federal courts throughout his two decades in public service and private practice.**

**Prior to rejoining Jones Day in 2021, Justin served as the chief federal law enforcement officer for the Northern District of Ohio. Justin was nationally recognized for his effort in developing strategic responses to controlled substances, terrorism, and violent crime. While U.S. Attorney, Justin served as vice chair of the Attorney General's Advisory Committee (AGAC), where he provided national-level guidance on the management and operations of the Justice Department. Justin was also named co-chair of the Attorney General's Prescription Interdiction and Litigation Task Force and was chair of AGAC's Terrorism and National Security Subcommittee.**

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**Shira Goodman**

Senior Director, Government Relations, Advocacy, and Community Engagement, ADL

Shira Goodman is a member of the Anti-Defamation League's Government Relations, Advocacy and Community Engagement (GRACE) Team. She serves as Senior Director of Advocacy, coordinating state and local advocacy across ADL's 25 Regional offices, developing engagement opportunities for volunteers, and, since October 7, leading ADL's work to combat antisemitism on campus. Prior to that, she served as the Regional Director of the Anti-Defamation League's Philadelphia Region, which serves Eastern Pennsylvania, Southern New Jersey and Delaware.