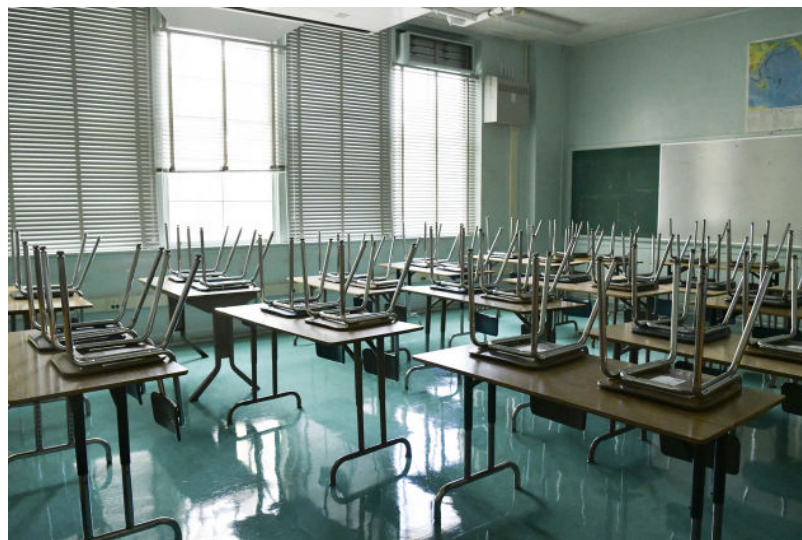


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'For better or worse': How California's antisemitism bill became a proxy for the war in Gaza

The controversial bill forced a no-win choice on lawmakers: Fight antisemitism or protect classroom freedoms.



A proposal aiming to address antisemitism in schools was one of the most controversial bills of the legislative session in California. | Rodin Eckenroth/Getty Images

By ERIC HE
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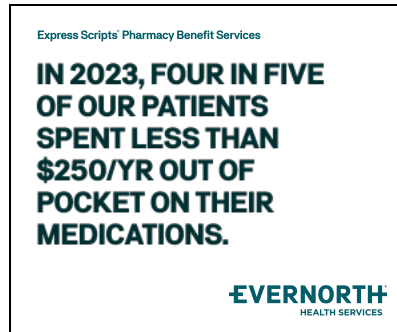


The tensions that had been building for months over a bill aiming to clamp down on antisemitism in California schools came to a head on a Friday morning last month.

Lawmakers gathered in an annex next to the State Capitol for an 11th-hour hearing before a final vote later that day on one of the most controversial

pieces of legislation this session. In the days prior, members of the legislature's Jewish Caucus had been scrambling to salvage the bill, watering down its language and cutting deals to appease fellow Democrats who were concerned it would have a chilling effect in classrooms during lessons about Israel and the war it was waging against Hamas.

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But they weren't yet in the clear. The assemblymember chairing the hearing opened it by lamenting that he was being forced to choose between fighting antisemitism and protecting teachers' freedom to teach. He railed that he had seen the latest version of the bill only days before and pressed its authors to shelve it for a year, pointing to the opposition they had faced pushing the bill to the finish line.

In response, one of the authors wept as she talked about Jewish hate being the "oldest hate in the world," adding later that the Jewish Caucus was not trying to "sneak around and do anything harmful to anyone." The other teared up when he recounted all the work that had gone into writing and rewriting the proposed law. Yet a third lawmaker, a critic of the bill, nonetheless cried over "seeing the tears in my colleagues' eyes" — even as she criticized them for "robbing" her of a vote with their last-minute deal making.

The display of raw emotions over the contentious proposal highlighted how Democrats, who control a supermajority in California, are far from a monolith. The debates and fights that played out in Sacramento mirrored broader divides around the country over Israel and the devastating war, pitting pro-Palestinian groups against Jewish organizations, while also forcing lawmakers to draw their lines on how far the state should go in policing speech in classrooms.

"For better or for worse, this bill became a proxy to a war taking place halfway across the globe that is

affecting communities here in the state of California,” said Democratic Assemblymember Josh Lowenthal, a member of the Jewish Caucus. “We are responsible for enacting legislation that impacts the quality of life of Californians, and so I think there was a lot of resistance to the bill for those reasons.”

While it ended up with a law that broadly guards against antisemitism in schools, the Jewish Caucus set out last year to target something far more specific: the [curriculum in ethnic studies classes](#).

The courses, typically taught in high schools, can cover a wide array of topics loosely related to historically marginalized groups and cultures. But with Israel’s war against Hamas having sparked a protest movement in the U.S. calling on it to relent, the Jewish Caucus decided to take on what one member described as a lack of curriculum standards that allow “groups with biased ideological agendas to peddle factually-inaccurate and blatantly antisemitic curriculum to school districts, posing a threat to Jewish children’s safety.” They [introduced a bill](#) in February last year to impose standards requiring “factually and historically accurate” teaching.

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The idea was met with resistance as fissures formed between Democrats and labor unions they typically align with. California Teachers Association, one of the state’s most powerful unions, [blasted a part of the proposal](#) that required districts to seek approval to make changes to their ethnic studies courses, calling it “a level of control that is unprecedented in other academic disciplines.” In August, the authors of the bill, Assemblymember Rick Chavez Zbur and

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Assemblymember Dawn Addis, a longtime teacher, eventually [hit pause on the measure](#), in order to have more “honest conversations.”

“It’s important that we get this right the first time,” said Zbur at the time.



Assemblymembers Rick Chavez Zbur and Dawn Addis were lead authors on the antisemitism bill. | Rich Pedroncelli for POLITICO

The authors came back in February this year with a [similar proposal](#) that had a sizable backing of 31 co-authors. But pro-Palestinian groups continued to [attack it](#) as one that would stifle criticism of Israel. And in emotional meetings that often stretched late into the night, leaders of other diversity caucuses in the legislature met with Zbur and Addis to convey their concerns that by focusing narrowly on the ethnic studies courses, the Jewish Caucus risked doing more harm than good.

“Ethnic studies is not the problem,” Assemblymember Isaac Bryan, the vice chair of the Legislative Black Caucus, recalled telling the authors during a floor speech. “Learning the histories of Black and Brown and AAPI and Indigenous people in this state — that is not the problem.”

Teacher union officials asked the Jewish Caucus to hit reset and work on a broader measure. After getting an extension to bypass a committee hearing deadline, the Jewish Caucus in May announced plans to pivot.

“We were really trying to perfect yet a third approach that our colleagues and the stakeholders had asked us to move towards,” Zbur said in an interview.

The late change of direction left the Jewish Caucus pressed for time. And there was no guarantee that after obliging CTA's request the union would sign off on their new plan.

The caucus quickly unveiled language [for a new bill](#) that was nearly empty of specifics of what it would do. With a deadline approaching for bills to pass their house of origin, the caucus pushed a general framework through two committees and the full Assembly in late May, giving assurances that talks would continue.

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Details, such as they were, didn't come out until late July. In addition to creating an antisemitism prevention coordinator, the proposal would penalize schools that foster an "antisemitic learning environment," which the bill defined, in part, as one that puts Jewish students at risk of bullying, harassment or violence. It spelled out some antisemitic tropes and conspiracies, banning portrayals in the classroom of Jews as "privileged or wealthy" and any messaging "directly or indirectly denying the right of Israel to exist."

While Gov. Gavin Newsom had remained mum on where he stood on the bill, the new language allowed the Democratic governor to appoint the coordinator. In an interview at the time, Addis praised Newsom for his support of Jewish issues and said she expected there would be "good conversations" with him about the antisemitism bill.

CTA [opposed the measure](#) within days, continuing to raise alarms about it censoring classroom discussions about Israel and that war. The union also objected to the proposal's singular focus on antisemitism, saying

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it “might be seen as prioritizing one form of discrimination over others.” With the bill slated for a key vote in the Senate Education Committee in less than a week and the results uncertain, the labor group’s dissent dealt a blow. Leaders of Jewish organizations went [public with their frustrations](#), blaming CTA for putting “the safety of Jewish students at risk.”

With time running out, members of the Jewish Caucus asked for another accommodation. They went to Senate President pro Tempore Mike McGuire and pressed him for help, telling him they weren’t willing to shelve the bill until next year.

McGuire agreed to delay the hearing until after the summer recess, bypassing another deadline and giving lawmakers more time to negotiate. And then in an unusual move for a leader of a chamber, McGuire and his staff — along with Senate Education Chair Sasha Renée Pérez — got deeply involved. “This was not a laissez-faire approach,” Zbur said. “They were using the influence of their positions to try to bring the parties together.”

While lawmakers were inching closer to agreement during summer recess, dissent grew from outside the statehouse. Lily Greenberg Call, a former staffer at the Department of the Interior and the first Jewish appointee in the Biden administration to publicly resign over the war in Gaza, penned an [op-ed in The New York Times](#) in August claiming California Democrats were “doing Donald Trump’s work for him” by using antisemitism as a means to stifle dissent about Israel.

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Greenberg Call said it was ironic that “vocal opponents” of Trump such as state Sen. Scott Wiener and Assemblymember Jesse Gabriel, co-chairs of the Jewish Caucus, along with Zbur, would push legislation “straight from the same political playbook.” The scathing piece reverberated around Sacramento, leaving Jewish lawmakers seething. Zbur, in an interview, worried the op-ed would sway public opinion about the bill, calling it “outrageous.”



Opponents of the bill gather outside the state Capitol in August during a rally. | Eric He/POLITICO

Wiener, in a news briefing in late August, said the comparison was “false and extremely dangerous,” noting that “just because Donald Trump is abusing antisemitism doesn’t mean that antisemitism somehow doesn’t exist.”

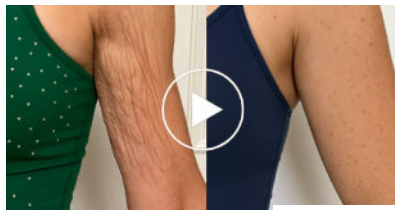
Greenberg Call, in an interview, said she didn’t intend to go after individual lawmakers or their intentions, but wanted to call out what she sees as “weaponization of antisemitism to crack down on free speech” from both parties.

“There’s a reason why people don’t see the Democratic Party as being able to effectively fight fascism or be in opposition to Trump right now,” Greenberg Call said. “Part of it is bills like this. Because using their tactics doesn’t make you seem like an opposition party. It makes you seem like Republicans-light.”

Meanwhile, pro-Palestinian groups pushed for a seat at table. Lara Kiswani, executive director of the Arab Resource & Organizing Center, said the group asked repeatedly to meet with the bill’s authors but were “given the run around.”

They did meet with members of the education committees that were debating the bill and several lawmakers in diversity caucuses. They delivered teddy bears to the lawmakers’ offices with the names of Palestinians killed by Israeli airstrikes in Gaza. “Students learn about Anne Frank,” read a note attached to the stuffed animals. “AB 715 would prevent students from learning about the genocide in Gaza.”

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Both sides, meanwhile, were working furiously to sway another key group. Leaders of Service Employees International Union, the influential labor organization, were being called on to oppose the measure by the California Faculty Association, one of its affiliates, and its Local 1021, which represents school employees.

In June, members of the local [passed a resolution](#) calling for SEIU leadership to oppose the bill, arguing it would make union members working in schools “vulnerable to censorship, suspension, firing, lawsuit, doxing, arrest, abduction or deportation.” And although the measure would impact only K-12

schools, the local warned it would “open the door to similar political attacks” on college campuses.

SEIU ultimately held off after union leaders had conversations with Jewish Caucus members that Gabriel characterized as “frank and honest.”

“It was a really big deal that they did not oppose,” said David Bocarsly, executive director of the Jewish Public Affairs Committee. “I think it’s indicative of their desire to work with the Jewish community.”

A spokesperson for SEIU declined to comment.

A person with knowledge of the discussions said that key members of the Jewish Caucus, who have previously supported legislation on behalf of SEIU and other labor groups, “spent years and years of political capital” that they had built up to get the bill passed.

“This [bill] had several near-death experiences, so anything more in the opposition camp could have killed it,” the person said, adding that it was “hard enough to overcome CTA, much less SEIU.”

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The Jewish Caucus was still finalizing language heading into the last week of the legislative session in September.

In a last-ditch effort to shore up votes, members met in private with other lawmakers, making deals to significantly amend their bill. Most notably, the authors cut any definition of an “antisemitic learning environment” as well as restrictions around how teachers were allowed to discuss “controversial issues.” To assuage concerns of other diversity caucuses, they agreed to [support a second bill](#) that would add four additional coordinator positions intended to guard against discrimination based on someone’s religious beliefs, race and ethnicity, gender or sexual orientation.



Al Muratsuchi, the chair of the Assembly Education Chair, was critical of the bill when it came up for a hearing. | Rich Pedroncelli/AP

And Addis and Zbur agreed to a request from Newsom's office that coordinators be placed under the purview of the Government Operations Agency, which the governor oversees. The move was made despite legislative staff pointing out [in an analysis](#) that the agency has "no expertise in educational civil rights compliance, unclear authority to engage in compliance activities, and no direct relationship with schools."

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After the Senate Education Committee signed off on AB 715, attention turned to the Assembly. CTA and other key groups remained opposed over concerns that language still in the measure requiring that classroom instruction be "factually accurate" could lead to teachers censoring themselves.

The last-minute deals left Al Muratsuchi, the chair of the Assembly Education Committee, feeling used and ignored by his fellow Democrats. In May, he had allowed the bill to pass his committee when it was still light on specifics with the understanding that he would be able to work with the authors on a final proposal. Over the summer recess, he had sent in his

concerns to the Senate Education Committee, but never heard back.

Yet, now Muratsuchi was about to chair a hearing on a bill he had not been consulted on.

The final hearing on AB 715 would be purely informational. Muratsuchi said he expected that his committee would be allowed to vote on the measure after it passed the Senate floor, but wasn't allowed to do so. Nick Miller, a spokesperson for Assembly Speaker Robert Rivas, attributed the decision to the time crunch lawmakers were under with the end of session looming. Procedural rules, he said, dictated a vote would have had to be held late in the evening and party leaders wanted to hold the hearing during the day when the public would have a better chance to weigh in.

While it was mostly a futile gesture, Muratsuchi still went hard after the legislation.

"I hate to be in this position where I have to choose in what I see as a false choice that is being forced on all of us — between fighting antisemitism and coming up with a responsible policy proposal that will not attack education, and that will not suppress critical thinking and open discussion in our classrooms," he said.

Addis and Zbur wept while addressing the committee, as did Mia Bonta, a member of the committee. It was an extraordinary scene punctuated by Assemblymember Josh Lowenthal, a member of the Jewish Caucus who also sits on the committee, telling Muratsuchi how "resentful" he was at his tone as several caucus members looked on in the audience.

The next morning, Zbur confronted Muratsuchi in the hallway outside the Assembly floor about how had conducted the hearing. The two Democrats stood inches apart arguing angrily before Muratsuchi stormed into the chamber.

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Zbur late out but is running instructional icly castigating his colleagues who were doing our very best to try to protect these children.” Muratsuchi, who is termed out but is running for state superintendent for public instruction, declined to comment on the confrontation, but said his comments at the hearing were based on letters of opposition he’d read. His “sole motivation,” he said, was “trying to do the right thing to achieve the overall goal of the bill without censoring important classroom discussions and academic freedom.”

Muratsuchi’s stand could not stop the bill’s passage, which had been all but assured by the compromise with the diversity caucuses. In the wee hours of the following morning, lawmakers in both chambers passed the proposal without a dissenting vote. Muratsuchi abstained, along with 13 other members.



Protestors hold up signs criticizing AB 715 steps away from the state Capitol during the last week of the legislative session. | Eric He/POLITICO

Newsom [signed it into law](#) not long after, while also calling for follow-up legislation next year to address some of the opposition’s concerns. The governor, when asked about the measure last week, said the law is a “work in progress” to set up “standards for dealing with hate and discrimination across the spectrum.”

The fight over the bill could now move to the legal

arena. John Affeldt, managing attorney at the civil rights law firm Public Advocates — which opposed the bill — predicted that there “will be many lawsuits on both sides” with claims on one side over what is deemed antisemitic followed by counter-claims over free speech violations.

Indeed, hours after Newsom signed the bill, the American-Arab Anti-Discrimination Committee told supporters in an email: “Starting now, we litigate.”

Nicole Norman contributed to this report.

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