

No. 25-1404

IN THE
Supreme Court of the United States

STANDWITHUS CENTER FOR LEGAL JUSTICE, *et al.*,

Petitioners,

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

**BRIEF FOR *AMICUS CURIAE*
CENTER FOR JEWISH LEGAL STUDIES
IN SUPPORT OF PETITIONERS**

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<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	3
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 544 (2007)	3
<i>Church of Lukumi Babalu Aye, Inc. v. Hialeah</i> , 508 U.S. 520 (1993).....	6
<i>Davis v. Monroe County Board of Education</i> , 526 U.S. 629 (1999).....	21, 23
<i>Oncale v. Sundowner Offshore Servs., Inc.</i> , 523 U.S. 75 (1998).....	24
<i>Shaare Tefila Congregation v. Cobb</i> , 481 U.S. 615 (1987).....	2
<i>Sines v. Kessler</i> , No. 3:17-cv-00072 (W.D. Va. 2021)	7
<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011).....	5
<i>StandWithUs Center for Legal Justice v.</i> <i>Massachusetts Institute of Technology</i> , 158 F.4th 1 (1st Cir. 2025)	2, 3, 25
<i>United States v. Bowers</i> , No. 2:18-cr-00292 (W.D. Pa. 2023).....	7

Cited Authorities

	<i>Page</i>
<i>Virginia v. Black</i> , 538 U.S. 343 (2003)	24
<i>Widmar v. Vincent</i> , 454 U.S. 263 (1981)	6
Constitutional Provisions	
U.S. Const. amend. I	5, 6
Statutes and Other Authorities	
22 U.S.C. 5201(a)(2)–(5) (2023)	17
42 U.S.C. § 2000d	1, 2, 4, 10, 21, 23, 25, 26
G.A. Res. 3379 (Nov. 10, 1975), revoked by G.A. Res. 46/86 (Dec. 16, 1991)	18
Nicole Acevedo and Rich Schapiro, <i>A Truck Plowed Into a Michigan Synagogue—and the Security Staff and Preschool Teachers Knew Just What to Do</i> , NBC News (Mar. 13, 2026), https:// www.nbcnews.com/news/us-news/michigan- synagogue-attack-security-rcna262996	23
Mordechai Altshuler, <i>Soviet Jewry Since the Second World War</i> (1987)	12

Cited Authorities

	<i>Page</i>
Lorena Atiyas-Lvovsky, Eitan Azani, Michael Barak & Assaf Moghadam, <i>CTC-ICT Focus on Israel: In Word and Deed? Global Jihad and the Threat to Israel and the Jewish Community</i> , 16 CTC Sentinel, no. 9 (Sept. 2023)	16
BBC News, <i>Hamas Presents New Policy Document</i> (May 1, 2017)	14
Joel Beinin, <i>MERIP and Political Economy in Middle East Studies</i> , 55 Rev. Middle E. Stud. 241 (2021)	18
Mark Caro, “No One’s Allowed to Talk to Me”: At UW–Madison, Trying—and Failing—to Talk About Israel, <i>The Forward</i> (May 13, 2024)	20
Irwin Cotler, <i>Global Antisemitism: Assault on Human Rights</i> , ISGAP Working Paper, 2009	9
Irwin Cotler, <i>The New Anti-Jewishness</i> , The Jewish People Policy Planning Institute, 2002	9, 18
Hamas Covenant 1988, <i>Avalon Project</i> , Yale L. Sch., https://avalon.law.yale.edu/20th_century/hamas. asp (last accessed July 21, 2026)	13, 14
Hamas, <i>A Document of General Principles and Policies</i> (May 1, 2017)	13, 14

Cited Authorities

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Jeffrey Herf, <i>The Three Faces of Antisemitism: Right, Left and Islamist</i> (2024)	11
Jeffrey Herf, <i>Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989</i> (2016)	19
David Hirsh, <i>Contemporary Left Antisemitism</i> (2017).	17, 19, 21
Adolf Hitler, <i>Mein Kampf</i> (Ralph Manheim trans., Houghton Mifflin 1943) (1925).	10, 11
<i>The Hizballah Program: An Open Letter</i> (Feb. 16, 1985), translated in <i>Jerusalem Quarterly</i> and reproduced by Int’l Inst. for Counter-Terrorism . . .	14
Bruce Hoffman, <i>Inside Terrorism</i> (3rd. Ed. 2017). . .	17
Eva Illouz, <i>Time to Unmask the Imposture of Anti-Zionism</i> , Fathom, July 2025	18
International Holocaust Remembrance Alliance, <i>Working Definition of Antisemitism</i> , https://holocaustremembrance.com/resources/working-definition-antisemitism (last accessed July 21, 2026)	9, 10
Israel Ministry of Foreign Affairs, <i>Wave of Terror 2015-2026 Ministry of Foreign Affairs</i> (last accessed July 21, 2026).	15

Cited Authorities

	<i>Page</i>
Yuri Ivanov, <i>Beware: Zionism!: Essays on the Ideology, Organisation and Practice of Zionism</i> (1970).....	18
Mike Ives, <i>Man Is Arrested in Death of Jewish Protester After California Altercation</i> , N.Y. Times (Nov. 16, 2023), https://www.nytimes.com/2023/11/16/us/california-paul-kessler-protest-death-arrest.html	21, 22
Anthony Julius, <i>Antisemitism Today</i> , 8 J. Contemp. Antisemitism 133 (2025).....	19
Rona Kaufman, <i>Antizionism is Not Antisemitism</i> , Times of Israel (Nov. 9, 2025), https://blogs.timesofisrael.com/antizionism-is-not-antisemitism/	8, 9
Rona Kaufman, <i>Never Again: Zionism and the Jewess</i> , 19 FIU L. REV. 737 (2025)	15, 20
Adam Kirsch, <i>On Settler Colonialism: Ideology, Violence, and Justice</i> (2024)	18
Matthias Küntzel, <i>Jihad and Jew-Hatred: Islamism, Nazism and the Roots of 9/11</i> (2007)	15
Walter Laqueur, <i>The Age of Terrorism</i> (1987)	17

Cited Authorities

	<i>Page</i>
Naya Lekht, <i>Scaffolding Anti-Zionism: The Hate We Missed</i> , Jewish Journal (Nov. 12, 2025), https://jewishjournal.com/cover_story/384910/scaffolding-anti-zionism-the-hate-we-missed/	8
Jon D. Levenson, <i>The New Jews: How Jewish Obsolescence as described by the early Christian church echoes in contemporary anti-Zionism</i> , Tablet (Feb. 28, 2019), https://www.tabletmag.com/sections/arts-letters/articles/the-new-jews (last accessed July 20, 2026)	9
B. Lewis, <i>The New Anti-Semitism: First Religion, Then Race, Then What?</i> , 75 Am. Scholar 25 (Winter 2006).	8
K. L. Marcus, <i>Jurisprudence of the New Anti-Semitism</i> , 44 Wake Forest L. Rev. 371 (2009)	8
Cary Nelson, <i>College Zionists Confront the Abyss: The Aftermath of October 7 in Higher Education and Its Consequences for Progressive Politics</i> 55–119 (2026).	18
Cary Nelson, <i>Hate Speech and Academic Freedom: The Antisemitic Assault on Basic Principles</i> (2024)	18
David Patterson, <i>A Genealogy of Evil: Anti-Semitism from Nazism to Islamic Jihad</i> (2011)	20

Cited Authorities

	<i>Page</i>
David Patterson, <i>Global Antisemitism: A Crisis of Modernity</i> (Charles Asher Small, ed., 2013)	20
Anat Plocker, <i>The Expulsion of Jews from Communist Poland: Memory Wars and Homeland Anxieties</i> (2022).	13
Reuters, <i>Hamas Presents New Charter Accepting a Palestine Based on 1967 Borders</i> (May 1, 2017) . . .	14
Reuters, <i>Two Jewish Students Attacked at Chicago's DePaul University</i> , Reuters (Nov. 7, 2024), https://www.reuters.com/world/us/two-jewish-students-attacked-chicagos-depaul-university-2024-11-08/	22
Fayez A. Sayegh, <i>Zionist Colonialism in Palestine</i> (1965)	18
Natan Sharansky, <i>3D Test of Anti-Semitism: Demonization, Double Standards, Delegitimization</i> , 16 Jewish Pol. Stud. Rev. 5 (2004)	12
Natan Sharansky, <i>Fear No Evil</i> (1988).	12
Mitchell D. Silber, <i>Terrorist Attacks Against Jewish Targets in the West (2012–2019): The Atlantic Divide Between European and American Attackers</i> , 12 CTC Sentinel, no. 5 (May/June 2019)	16, 17

Cited Authorities

	<i>Page</i>
Alan E. Steinweis, <i>Studying the Jew: Scholarly Antisemitism in Nazi Germany</i> (2006)	19
Izabella Tabarovsky, <i>The American Jewish Soviet Experience: A Conversation with Natan Sharansky</i> , Tablet Magazine (Oct. 29, 2020), https://www.tabletmag.com/sections/history/articles/american-jewish-soviet-experience-natan-sharansky	12
U.S. Att’y’s Off. for the Dist. of Columbia, <i>Federal Hate Crime and First-Degree Murder Charges Filed Against Alleged Killer of Israeli Embassy Staff Members</i> (Aug. 7, 2025), https://www.justice.gov/usao-dc/pr/federal-hate-crime-and-first-degree-murder-charges-filed-against-alleged-killer-israeli	22
U.S. Department of Education Office of Civil Rights, <i>Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics</i> , May 7, 2024.	10
U.S. Dep’t of Just., <i>Justice Department Announces Terrorism Charges Against High-Ranking Hezbollah Member Who Helped Plan 1994 Bombing in Buenos Aires, Argentina</i> (Dec. 20, 2023), https://www.justice.gov/archives/opa/pr/justice-department-announces-terrorism-charges-against-high-ranking-hezbollah-member-who	16

Cited Authorities

	<i>Page</i>
U.S. House of Representatives Homeland Security committee, Written Testimony of Kenneth S. Stern, October 3, 2022	7, 8
Robert S. Wistrich, <i>A Lethal Obsession: Anti- Semitism from Antiquity to the Global Jihad</i> (2010).....	12
Yan Zhuang et al., <i>What to Know About the Attack on a March for Hostages Held in Gaza</i> , N.Y. Times (June 4, 2025), https://www.nytimes. com/2025/06/02/us/boulder-colorado-attack- what-we-know.html	22

INTEREST OF AMICUS CURIAE

Amicus curiae, the Center for Jewish Legal Studies (CJLS)¹, is an academic organization dedicated to establishing and advancing the emerging field of Jewish Legal Studies. Jewish Legal Studies examines the intersection of law and Jewish peoplehood. CJLS brings together legal and interdisciplinary scholars with expertise in law, history, religion, antisemitism, and related fields, who have studied the evolution of antisemitism and anti-Zionism across diverse historical periods and ideological movements. Through research, scholarship, and education, CJLS is committed to developing the intellectual foundation necessary to protect Jewish civil rights. This case lies at the core of CJLS's mission because it presents fundamental questions about how contemporary antisemitism manifests and how the law should recognize and address discrimination against Jews.

Amicus submits this brief to assist the Court in evaluating the question presented in the petition for a writ of certiorari. Petitioners, Jewish students at the Massachusetts Institute of Technology ("MIT"), alleged that they were subjected to a severe and pervasive hostile educational environment in violation of Title VI of the Civil Rights Act of 1964. The First Circuit held that the alleged conduct and expression could not support a Title VI hostile environment claim, and affirmed dismissal at

1. No counsel for any party authored this brief in whole or in part, and no person or entity other than amicus or its counsel made a monetary contribution intended to fund the preparation of this brief. Counsel of record for all parties received timely notice of the intention to file this brief.

the pleading stage, before discovery. *Amicus* respectfully submits that the court of appeals erred.

SUMMARY OF ARGUMENT

This case presents a recurring question of exceptional importance to the enforcement of federal anti-discrimination law: how courts should evaluate Title VI claims alleging that anti-Zionist expression and conduct contributed to discrimination against Jewish students.

Title VI prohibits discrimination on the basis of race, color, or national origin in federally funded educational programs. 42 U.S.C. § 2000d. Its protection extends to discrimination against Jews based on their shared ancestry and ethnic characteristics. *See Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617–18 (1987).

The First Circuit’s decision rests on a fundamental error. At the pleadings stage, it rejected Petitioners’ allegation that expression and conduct on MIT’s campus created a hostile environment for them as Jews—declining to accept their well-pleaded allegations as true and denying them any opportunity to prove their claims. Instead, the court resolved contested questions of fact for Respondent. The First Circuit specifically concluded that the protesters “did not render their speech antisemitic” and that although Petitioners “are entitled to their own interpretive lens equating anti-Zionism (as they define it) and antisemitism” they cannot “insist that others must be bound by [their] view.” *StandWithUs Ctr. for Legal Just. v. Mass. Inst. of Tech.*, 158 F.4th 1, 12, 16 (1st Cir. 2025). The court further held that Petitioners’ allegations “find[] no consensus support in dictionary definitions. Nor does a

review of the academic literature point to any consensus that criticism of Zionism is antisemitic.” *Id.* at 16. That reasoning resolved a contested issue of fact against Petitioners at the very stage where their allegations must be taken as true. And it did so on an incomplete record: the court never accounted for the substantial body of scholarship documenting that anti-Zionist movements, across historical and ideological settings, have repeatedly served as vehicles for anti-Jewish discrimination and violence—the very evidence Petitioners were denied the chance to present.

This brief makes three contributions. First, it clarifies what anti-Zionism is and is not. Criticism of the Israeli government and policy, and theological opposition to political Zionism are not antisemitic. But a substantial body of antisemitism scholarship demonstrates that principal historical strands of anti-Zionism have been intertwined with anti-Jewish animus and have recurrently accompanied discrimination and violence against Jews. At the pleadings stage, that scholarship is legally significant because it renders Petitioners’ inference of anti-Jewish discrimination plausible and therefore unsuitable for dismissal as a matter of law. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). A court may ultimately reject that inference on a developed record. But it may not do so at the pleadings stage by accepting the Respondent’s self-characterization while disregarding the Petitioners’ well-pleaded allegations, as well as contrary historical and contextual evidence.

Second, this brief shows how the specific conduct alleged at MIT maps onto animus-laden strands of anti-

Zionism and could plausibly convey a discriminatory anti-Jewish meaning in context. Chants drawn from the Hamas Covenant, endorsements of Hamas following its massacre of Jewish civilians, the physical exclusion of Jewish students from campus spaces, and other expressions and conduct that took place on MIT's campus are not historically neutral; each tracks conduct that has marked anti-Jewish hostility before.

Third, this brief explains why the environment must be evaluated in light of the meaning that the alleged rhetoric and conduct could reasonably convey to Jewish students. Confronting such chants, endorsements, and exclusion, Jewish students could reasonably understand those events against a historical record in which materially similar rhetoric accompanied discrimination, expulsion, violence, and murder. A court assessing whether the environment was objectively hostile under Title VI must weigh that context rather than treat the words and acts as neutral.

The Court's review is warranted to correct the First Circuit's pleading-stage error and to confirm that historical and contextual allegations bearing on discriminatory meaning may not be resolved against plaintiffs as a matter of law—a recurring question of national importance.

ARGUMENT

I. CRITICISM OF ISRAEL AND THEOLOGICAL DISSENT IS DISTINGUISHED FROM DISCRIMINATORY ANTI-ZIONISM.

Courts assessing discrimination claims involving anti-Zionism confront a threshold problem: the term “anti-Zionism” is used to describe positions that differ sharply in their character, historical provenance, and legal significance. That imprecision can obscure the distinction between protected criticism, theological dissent, and ideology or conduct that is plausibly hostile toward Jews.

A. Criticism of Israeli Policy Is Not Discriminatory

Normal criticism of Israeli policy or conduct is not anti-Zionism or antisemitism. The First Amendment provides broad protection to speech on matters of public concern, including harsh criticism of governments and their policies. *See Snyder v. Phelps*, 562 U.S. 443 (2011).

Opposition to Israeli policy or conduct, without more, is not discriminatory.

B. Jewish Theological Opposition to Political Zionism is Not Discriminatory

Some Jewish theological traditions hold that the establishment of a Jewish state before the messianic era is religiously impermissible. These views arise from internal theological understandings of the meaning and requirements of Jewish law, and the proper conditions and timing of Jewish national restoration.

Religious advocacy receives First Amendment protection, and the government may not disfavor religious expression or practice because of its theological content. *See Widmar v. Vincent*, 454 U.S. 263, 269 (1981); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 522–23 (1993).

Such theological dissent, without more, is not discriminatory.

C. Anti-Zionism and Discrimination Against Jews

This brief does not contend that every person who identifies as an anti-Zionist discriminates against Jews. Many individuals who describe themselves as “anti-Zionist” simply oppose particular Israeli policies or disagree with the actions of Israel’s current government. This brief does not use the term anti-Zionism to encompass those individuals, regardless of how they choose to describe themselves. Moreover, this brief does not contend that advocacy for Palestinian rights, often incorrectly conflated with anti-Zionism, is discriminatory against Jews.

Rather, this brief defines anti-Zionism in reference to the interconnected ideological traditions that have animated the movement for more than a century—traditions that deny the Jewish people’s right to collective self-determination; propagate libels and conspiracy theories about Jews; portray the Jewish collective—including as represented by the State of Israel—as uniquely illegitimate or demonic; target Jews who identify with the Jewish collective; or justify discrimination, exclusion, or violence against Jews, under the guise of opposition to Zionism or pro-Palestinian activism.

Whether the particular expressions or conduct that occurred at MIT reflect these anti-Zionist ideologies is a contextual question. The complaint’s allegations must therefore be assessed in light of the words used, the targets selected, the surrounding conduct, and the relevant historical traditions.

II. FOR DECADES, ANTI-ZIONISM HAS BEEN ROOTED IN AND ASSOCIATED WITH ANTI-JEWISH ANIMUS, DISCRIMINATION, AND VIOLENCE AGAINST JEWS

Lower courts, lacking the historical background that this brief supplies, have struggled to recognize anti-Zionism as a form of discrimination. That failure reflects an absence of the contextual knowledge without which the rhetoric at issue cannot be properly evaluated. Courts have long recognized that showing a “noose” or using the term “boy” directed at Black employees, or the display of Confederate flags, cannot be assessed in isolation—their capacity to be deemed discriminatory turns on historical meaning, context, and the reasonable understanding of those targeted. The same principle applies to antisemitic language as expert witnesses in *United States v. Bowers*, No. 2:18-cr-00292 (W.D. Pa. 2023), and *Sines v. Kessler*, No. 3:17-cv-00072 (W.D. Va. 2021), established that language used to promote the Great Replacement Theory reflects longstanding white nationalist antisemitic ideology rather than political commentary about immigration – a meaning wholly invisible on the face of slogans such as “love your race” and “stop white genocide.” See *Bowers*, Trial Tr. Vol. 10, 174:23-179:15, June 13, 2023; *Sines*, Trial Tr. Day 14, 64:15-68:14, November 11, 2021; also U.S. House of Representatives Homeland Security

committee, Written Testimony of Kenneth S. Stern, pg. 3, October 3, 2022 (“the chants of ‘Jews will not replace us’...are simply the latest incarnation of this very old story line.”). Whether “intifada revolution” similarly carries that kind of historically embedded meaning—and how a reasonable Jewish or Israeli student would experience the environment it helped create as hostile—is precisely the context-dependent factual question reserved for the factfinder. This brief supplies that historical and linguistic context, context that should have been allowed to develop through discovery, expert testimony, and trial, rather than construed against the Petitioners at the motion to dismiss stage.

Historians of antisemitism and legal scholars have identified three major iterations of a persistent historical cycle of Jew-hatred, each finding a new rationale to target Jews while repeating the same structural logic of libel, conspiracy, stigma, and violence. *See* Rona Kaufman, *Antizionism is Not Antisemitism*, Times of Israel (Nov. 9, 2025), <https://blogs.timesofisrael.com/antizionism-is-not-antisemitism/> ; *see* Naya Lekht, *Scaffolding Anti-Zionism: The Hate We Missed*, Jewish Journal (Nov. 12, 2025), https://jewishjournal.com/cover_story/384910/scaffolding-anti-zionism-the-hate-we-missed/ (discussing anti-Zionism as a project centered on villainizing Jews); *see* K. L. Marcus, *Jurisprudence of the New Anti-Semitism*, 44 Wake Forest L. Rev. 371, 374, 377–80 (2009) (explaining that contemporary political antisemitism projects traditional anti-Jewish tropes onto Israel and retains substantial continuities with earlier forms); B. Lewis, *The New Anti-Semitism: First Religion, Then Race, Then What?*, 75 Am. Scholar 25, 25–30 (Winter 2006) (describing the development of religious, racial,

and political-ideological forms of antisemitism). The first iteration—theological anti-Judaism—attacked Jews for their religious beliefs and practices, portraying them as spiritually corrupt and theologically superseded. The second—racial antisemitism—attacked Jews for their biological identity, portraying them as a racially inferior, polluting presence within otherwise healthy nations. The third and contemporary iteration—anti-Zionism—attacks Jews for their national identity, portraying them as colonial usurpers, agents of apartheid, and perpetrators of genocide. In each iteration, the same structural logic recurs—libel, conspiracy, stigma, violence, denial—and the cycle repeats. *See* Kaufman, *supra*. Supersessionism—the impulse to eliminate the Jewish presence in order to redeem or purify the world is an additional thematic thread that connects each iteration of Jew hatred. *See id.*; Jon D. Levenson, *The New Jews: How Jewish Obsolescence as described by the early Christian church echoes in contemporary anti-Zionism*, Tablet (Feb. 28, 2019), <https://www.tabletmag.com/sections/arts-letters/articles/the-new-jews> (last accessed July 20, 2026). Recognizing anti-Zionism as a contemporary form of Jew hatred, Irwin Cotler has described it as an “assault on human rights” that manifests through the denial of Jewish collective identity and the application of standards to Jews—and to Israel—demanded of no other people or nation. Irwin Cotler, *Global Antisemitism: Assault on Human Rights*, ISGAP Working Paper, 2009; Irwin Cotler, *The New Anti-Jewishness*, The Jewish People Policy Planning Institute, 2002.

The International Holocaust Remembrance Alliance Working Definition of Antisemitism (“IHRA Definition”) reflects precisely this historical understanding and is

a distillation of the scholarship developed more fully below. The IHRA Definition, which the Department of Education employs in evaluating compliance with Title VI, and which, to date, has been adopted by 47 national governments, identifies several contemporary examples of antisemitism grounded specifically in anti-Zionist rhetoric, including “[d]enying the Jewish people their right to self-determination,” “applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation,” and “drawing comparisons of contemporary Israeli policy to that of the Nazis.”, see *U.S. Department of Education Office of Civil Rights, Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics*, May 7, 2024; *Working Definition of Antisemitism*, International Holocaust Remembrance Alliance, <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last accessed July 21, 2026). Each of these examples describes conduct alleged in this case. Each also corresponds to the various historical manifestations of anti-Zionism—Nazi, Soviet, jihadist, and what has come to be called the Red-Green alliance—that this brief examines in turn.

A. Nazi Anti-Zionism

Relying on pervasive antisemitic conspiracy theories, Nazi ideology denied Jewish collective identity. Opposition to Jewish nationhood was integral to the system that culminated in the Holocaust. In *Mein Kampf*, like today’s anti-Zionists, Hitler specifically rejected Zionism as a legitimate national movement, stating:

For while the Zionists try to make the rest of the World believe that the national consciousness of the Jew finds its satisfaction in the creation of a Palestinian state, the Jews again slyly dupe the dumb *Goyim*. It doesn't even enter their heads to build up a Jewish state in Palestine for the purpose of living there; all they want is a central organization for their international world swindle, endowed with its sovereign right and removed from the intervention of other states: a haven for convicted scoundrels and a university for budding crooks.

Adolf Hitler, *Mein Kampf* 324–25 (Ralph Manheim trans., Houghton Mifflin 1943) (1925). The Nazi denial of Jewish self-determination followed from the premise that Jews were not a people deserving of the rights that peoplehood confers. As the following sections demonstrate, this foundational idea recurs across subsequent anti-Zionist traditions.

This ideology also converged with contemporaneous forms of anti-Zionism in the Middle East. Haj Amin al-Husseini, the Grand Mufti of Jerusalem, met with Adolf Hitler on November 28, 1941, broadcast anti-Jewish propaganda, portrayed Jews as a global conspiratorial threat, and opposed Jewish national self-determination. See Jeffrey Herf, *The Three Faces of Antisemitism: Right, Left and Islamist* 50–52 (2024).

Mein Kampf is not outside the traditions surveyed here but among their most candid expressions: it states openly the anti-Jewish animus that later strands often carry beneath the vocabulary of politics, scholarship, and human rights.

B. Soviet Anti-Zionism

Soviet anti-Zionism was among the most extensively institutionalized anti-Zionist programs of the twentieth century. It portrayed Jews as disloyal, conspiratorial agents of foreign powers—grafting classic antisemitic tropes onto a political framework that purported to oppose “Zionism” rather than Jews. *See* Robert S. Wistrich, *A Lethal Obsession: Anti-Semitism from Antiquity to the Global Jihad* 509–35 (2010). Natan Sharansky has explained: “In Russia there was no difference between anti-Semitism and anti-Zionism. Soviet Jews knew that both the anti-cosmopolitan campaign and the anti-Zionist campaigns were campaigns against Jews.” Izabella Tabarovsky, *The American Jewish Soviet Experience: A Conversation with Natan Sharansky*, Tablet Magazine (Oct. 29, 2020), <https://www.tabletmag.com/sections/history/articles/american-jewish-soviet-experience-natan-sharansky>; *see* Natan Sharansky, *3D Test of Anti-Semitism: Demonization, Double Standards, Delegitimization*, 16 Jewish Pol. Stud. Rev. 5, 5–8 (2004).

The Soviet regime enforced this ideology through formal and informal university enrollment quotas that limited Jewish access to higher education; criminalization of Hebrew instruction and closure of Jewish cultural and religious institutions; occupational ceilings that barred Jews from elite professions; denial of exit visas to Jews seeking to emigrate, particularly to Israel; and harassment, surveillance, and imprisonment of “refuseniks”—Jews who applied to leave. *See* Natan Sharansky, *Fear No Evil* 137–215, 221–310 (1988); Mordechai Altshuler, *Soviet Jewry Since the Second World War* 45–78 (1987).

In Communist Poland, the regime’s 1967–1968 anti-Zionist campaign functioned as an explicit antisemitic purge. Driven by claims that Jews exercised disproportionate influence, the campaign expelled Jews from universities and professional institutions, stigmatized Jewish identity as politically subversive, and ultimately forced the emigration of most of Poland’s remaining Jewish population. *See Anat Plocker, The Expulsion of Jews from Communist Poland: Memory Wars and Homeland Anxieties (2022).*

Soviet anti-Zionism thus provides a paradigmatic example of anti-Zionism functioning as a state-sponsored discriminatory system against Jews.

C. Jihadist Anti-Zionism

In foundational texts, Jihadist anti-Zionism fuses opposition to the existence of Israel with theologically grounded hostility toward Jews. It invokes classic antisemitic conspiracy theories with calls to kill Jews. The 1988 Hamas Covenant declares that the movement’s “struggle against the Jews is very great,” it endorses the view that “Israel will ... continue to exist until Islam will obliterate it,” and it encourages Muslims to “fight the Jew” and “come and kill him.” *See Hamas Covenant 1988, Avalon Project, Yale L. Sch., https://avalon.law.yale.edu/20th_century/hamas.asp (last accessed July 21, 2026).*² Hamas’s Covenant repeats classic antisemitic

2. Although Hamas issued a new *Document of General Principles and Policies* in 2017 distinguishing between Jews as a religious community and “the Zionist project,” the organization neither rescinded nor formally replaced its 1988 Covenant. *See Hamas, A Document of General Principles and Policies ¶¶ 16–17*

conspiracy theories that Jews “took control of the world media,” were “behind the French Revolution” and “the Communist revolution,” and that their plan of global domination is embodied in the “Protocols of the Elders of Zion.” *See id.* art. 22. The 1985 Hezbollah Open Letter similarly frames its struggle by combining opposition to Israel with calls for its destruction, declaring that Israel is an entity “that must be fought” and that the struggle “will end only when this entity is obliterated.” *See, The Hizballah Program: An Open Letter 6–7 (Feb. 16, 1985), translated in Jerusalem Quarterly and reproduced by Int’l Inst. for Counter-Terrorism.*

These texts treat the elimination of Israel—and the killing of the Jews who inhabit it and Jews everywhere—as a religious and civilizational imperative. According to the jihadist tradition, “Zionism” is a vehicle for the claim that Jews are collectively malevolent, conspiratorial,

(May 1, 2017). Khaled Meshaal, then head of Hamas’s Political Bureau, explained that the 2017 document was intended to supplement—not replace—the organization’s founding Charter. *See, e.g.,* Reuters, *Hamas Presents New Charter Accepting a Palestine Based on 1967 Borders* (May 1, 2017); BBC News, *Hamas Presents New Policy Document* (May 1, 2017). The Council on Foreign Relations likewise describes the 2017 document as an effort to moderate Hamas’s public image while noting that the organization continued to reject Israel’s existence. Following Hamas’s October 7, 2023 attack, senior Hamas officials publicly reaffirmed the organization’s commitment to continuing such attacks. Reuters reported that senior Hamas official Ghazi Hamad declared that Hamas would repeat attacks like October 7 “again and again” until Israel was destroyed, while Associated Press reporting likewise documented Hamas leaders’ continued endorsement of armed struggle and rejection of Israel after October 7.

and properly subject to violent eradication. *See* Matthias Küntzel, *Jihad and Jew-Hatred: Islamism, Nazism and the Roots of 9/11* (2007).

There is a direct and extensive connection between this ideology and violence against Jews. For decades, jihadists have waged a sustained campaign of violence against Jewish and Israeli civilians and institutions around the world. In Israel, the attacks deliberately targeted the ordinary rhythms of civilian life: commuters on public buses, shoppers in open-air markets, diners in cafés and restaurants, worshippers outside synagogues, students, and teenagers, through suicide bombings, car bombs, roadside explosives, drive-by shootings, ambushes, knife attacks, rocket fire, and other methods. *See*, *Wave of Terror 2015-2026*, Israel Ministry of Foreign Affairs, *Wave of Terror 2015-2026 Ministry of Foreign Affairs* (last accessed July 21, 2026). Some of the deadliest episodes include: the June 2001 bombing of the Dolphinarium discotheque in Tel Aviv, which killed twenty-one people, mostly teenagers; the August 2001 Sbarro pizzeria bombing in Jerusalem, which killed sixteen, including seven children; the March 2002 Passover massacre, which killed thirty during a Passover Seder; the 2002 bombing of the Hebrew University cafeteria; the 2008 shooting at a yeshiva; and the October 7, 2023 terror attack which killed 1,200 and took over 200 hostage, and included the rape, mutilation, and burning of hundreds of civilians, including children and elderly. *Id.* Rona Kaufman, *Never Again: Zionism and the Jewess*, 19 FIU L. REV. 737, 766-67 (2025).

The same ideology has driven attacks on Jews and Jewish institutions around the world. In 1994, Hezbollah

operatives bombed the Jewish community center in Buenos Aires Argentina, killing 85. See *U.S. Dep't of Just., Justice Department Announces Terrorism Charges Against High-Ranking Hezbollah Member Who Helped Plan 1994 Bombing in Buenos Aires, Argentina (Dec. 20, 2023)*, <https://www.justice.gov/archives/opa/pr/justice-department-announces-terrorism-charges-against-high-ranking-hezbollah-member-who>.

During the early 2000s, al-Qaeda and affiliated jihadist organizations increasingly targeted Jews and Israelis worldwide. Those attacks included the kidnapping and beheading of Jewish-American journalist Daniel Pearl in Pakistan; a suicide bombing outside the historic El Ghriba Synagogue in Djerba, Tunisia; a coordinated attack in Mombasa, Kenya, that included a suicide bombing at an Israeli-owned hotel and an attempted missile attack on an Israeli passenger aircraft; and suicide bombings targeting the Israeli and American embassies in Tashkent, Uzbekistan. Jihadist operatives also conducted surveillance of potential targets in Israel and repeatedly attempted attacks inside Israel that were disrupted by security services. Lorena Atiyas-Lvovsky, Eitan Azani, Michael Barak & Assaf Moghadam, *CTC-ICT Focus on Israel: In Word and Deed? Global Jihad and the Threat to Israel and the Jewish Community*, 16 CTC Sentinel, no. 9, at 1 (Sept. 2023).

Between 2012 and 2019, jihadist terrorists targeted Jews in a series of deadly attacks on the Ozar Hatorah Jewish school in Toulouse, the Jewish Museum of Belgium in Brussels, the Hyper Cacher kosher supermarket in Paris, and the Great Synagogue in Copenhagen, murdering Jewish children, worshippers, shoppers, and community members because they were Jewish. Mitchell

D. Silber, Terrorist Attacks Against Jewish Targets in the West (2012–2019): The Atlantic Divide Between European and American Attackers, 12 CTC Sentinel, no. 5, at 30 (May/June 2019).

Taken together, these attacks reflect a systematic, transnational pattern of terrorism aimed at Jews in the name of jihadist anti-Zionism—one whose aggregate toll runs to several thousand Jews killed. Jihadist anti-Zionism is the ideological tradition from which the specific slogans allegedly used by MIT students, including “globalize the intifada,” “From the River to the Sea,” and “there is only one solution, intifada revolution,” derive.

D. Western Anti-Zionism, Its Academic Institutionalization, and the Red-Green Alliance

Beginning in the latter half of the twentieth century, Soviet and jihadist anti-Zionist frameworks were recast within Western academic and political discourse. Soviet characterization of Zionism as racist and expansionist was translated into the language of anti-racism, anti-imperialism, and human rights. *See* David Hirsh, *Contemporary Left Antisemitism*, 188–206 (2017). A 1965 PLO³ publication casting Zionism as settler colonialism

3. During the 1960s and 1970s, the Palestinian Liberation Organization and its principal constituent organizations embraced terrorism as a principal method of political struggle, carrying out or sponsoring aircraft hijackings, hostage-taking, and attacks on civilians. *See* Bruce Hoffman, *Inside Terrorism* (3rd. Ed. 2017); Walter Laqueur, *The Age of Terrorism* (1987); 22 U.S.C. 5201(a)(2) – (5) (2023) (finding that “the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad” and was “directly responsible” for the murder of Leon Klinghoffer during the *Achille Lauro* hijacking).

was adopted by Western academics. See Fayez A. Sayegh, *Zionist Colonialism in Palestine* (1965); Joel Beinin, *MERIP and Political Economy in Middle East Studies*, 55 *Rev. Middle E. Stud.* 241, 244 (2021). Meanwhile, in Soviet circles, Zionism was portrayed as a racist ideology aligned with Western imperialism. See Yuri Ivanov, *Beware: Zionism!: Essays on the Ideology, Organisation and Practice of Zionism* 5–11 (1970). Within the New Left, opposition to Israel became merged into broader critiques of Western power. This was institutionalized when the U.N. General Assembly declared “Zionism is a form of racism” normalizing anti-Zionist discourse within multilateral and human rights forums. G.A. Res. 3379 (Nov. 10, 1975), *revoked by* G.A. Res. 46/86 (Dec. 16, 1991); see Cotler, *The New Anti-Jewishness*, *supra*.

In its contemporary eliminationist form—which has become increasingly visible in Western discourse since October 7, 2023—anti-Zionism extends beyond criticism of particular Israeli policies and challenges the legitimacy of Jewish national self-determination or the continued existence of Israel as a Jewish state. See Adam Kirsch, *On Settler Colonialism: Ideology, Violence, and Justice* 1–14, 77–118 (2024); Cary Nelson, *College Zionists Confront the Abyss: The Aftermath of October 7 in Higher Education and Its Consequences for Progressive Politics* 55–119 (2026); Eva Illouz, *Time to Unmask the Imposture of Anti-Zionism*, *Fathom*, July 2025; see also Cary Nelson, *Hate Speech and Academic Freedom: The Antisemitic Assault on Basic Principles* 145–61, 196–230 (2024). Scholarship identifies this strand by its treatment of Israel as a uniquely illegitimate “colonial,” “apartheid,” or “genocidal” state, its obsessive focus on Israel alone, and its demand that Israel cease to exist. Because it operates

at a high level of abstraction, resting on moral claims not subject to empirical falsification—scholars treat it as a distinct category from policy-based criticism. As Anthony Julius observes, dominant Western anti-Zionism is a vehicle through which longstanding antisemitic themes are expressed in the vocabulary of politics and human rights. See Anthony Julius, *Antisemitism Today*, 8 J. Contemp. Antisemitism 133 (2025).

The distinction between Western academic and jihadist anti-Zionism is analytically useful but is not a legal firewall. Scholars across disciplines identify an ideological convergence—the “Red-Green” alignment—in which the vocabulary of Western anti-colonialism and the eliminationist program of jihadist anti-Zionism reinforce and legitimize each other. See Jeffrey Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989* (2016); see Hirsh, *supra*.

The mechanism is intellectual laundering, and it has historical precedent. Nazi racial antisemitism was itself laundered through German universities, where scholars in anthropology, biology, history, and social science fabricated an empirical basis for anti-Jewish policy, lending the Third Reich academic legitimacy and in some cases radicalizing that policy. See generally Alan E. Steinweis, *Studying the Jew: Scholarly Antisemitism in Nazi Germany* (2006). Dressing the ideology in the vocabulary of science changed only its packaging, not its character. The same is true today. Settler-colonial theory, the apartheid analogy, and the “logic of elimination” supply the vocabulary through which jihadist anti-Zionism is translated into terms acceptable in mainstream Western discourse. “From the River to the Sea” is repackaged as

a call for “decolonization.” “Globalize the Intifada”—a call to extend a campaign of violence against Jewish civilians worldwide—is repackaged as solidarity with the oppressed. Foundational jihadist texts calling explicitly for the killing of Jews are reframed as positions on self-determination and resistance. In each case, the academic vocabulary launders eliminationist content into a form deployable on campus without triggering the recognition its undisguised expression would attract.

Within this convergence, anti-Zionist rhetoric attributes collective guilt, conspiratorial influence, and inherent illegitimacy to Jews as a group—hallmarks of classic antisemitism, reconstituted in progressive vocabulary. The terms shift—from “rootless cosmopolitan” to “white settler,” from “Jewish financier” to “Zionist colonialist”—but the message holds: Jews, collectively, bear unique responsibility for the world’s ills. See Kaufman, *supra*. The campus chant “There is only one solution, intifada revolution” can evoke the Nazi “Final Solution” for Jewish listeners. See Mark Caro, “*No One’s Allowed to Talk to Me*: At UW–Madison, Trying—and Failing—to Talk About Israel,” *The Forward* (May 13, 2024) (quoting a Jewish student who explained that the chant’s reference to “one solution” “really conjures up the Final Solution”); see generally David Patterson, *A Genealogy of Evil: Anti-Semitism from Nazism to Islamic Jihad* 15–44, 91–146 (2011) (tracing ideological and historical connections between Nazi and jihadist antisemitism). David Patterson traces this narrative structure across ideological and theological traditions. See David Patterson, *A Genealogy of Evil* (2011); *Global Antisemitism: A Crisis of Modernity* (Charles Asher Small, ed., 2013).

David Hirsh argues that the very distinction between “legitimate” left-wing and “extreme” jihadist anti-Zionism is a rhetorical move, insulating the former from accountability for the latter. *See* Hirsh, *supra*. The framing changes the packaging, not the content—and it is content—not packaging—that Title VI addresses. That is precisely the principle of *Davis v. Monroe County Board of Education*: liability under federal civil rights statutes turns on the effects and operation of conduct, not its stated label or ideological self-description. 526 U.S. 629, 651 (1999).

The Red-Green convergence thus explains what the First Circuit left unexamined: why the conduct at MIT combined slogans drawn directly from the Hamas Covenant with the vocabulary of settler-colonial and postcolonial critique. These were not coincidental accidents, but rather, two expressions of a single orientation—the jihadist tradition supplying the eliminationist program and slogans, and the Western academic tradition supplying the institutional legitimacy and setting in which they were deployed. Jewish students at MIT faced both in combination. Post-October 7, the same ideas that animated the MIT protests and conduct fueled violence against Jews nationwide, forming the context in which MIT’s Jewish students reasonably understood anti-Zionist rhetoric and conduct as discriminatory and threatening.

- A California professor struck a Jewish man with a megaphone at an anti-Zionist demonstration, killing him. *Mike Ives, Man Is Arrested in Death of Jewish Protester After California Altercation*, N.Y. Times (Nov. 16, 2023), <https://www.nytimes>.

com/2023/11/16/us/california-paul-kessler-protest-death-arrest.html.

- Masked men attacked Jewish students at DePaul University. *Two Jewish Students Attacked at Chicago's DePaul University*, Reuters (Nov. 7, 2024), <https://www.reuters.com/world/us/two-jewish-students-attacked-chicagos-depaul-university-2024-11-08/>.
- Two Jews were murdered in Washington, D.C. while the shooter shouted “Free, free Palestine!” See U.S. Att’y’s Off. for the Dist. of Columbia, *Federal Hate Crime and First-Degree Murder Charges Filed Against Alleged Killer of Israeli Embassy Staff Members* (Aug. 7, 2025), <https://www.justice.gov/usao-dc/pr/federal-hate-crime-and-first-degree-murder-charges-filed-against-alleged-killer-israeli>.
- “Free Palestine” and “end Zionism” were shouted as Molotov cocktails were hurled at a group of Jews in Colorado, killing Karen Diamond. See Yan Zhuang et al., *What to Know About the Attack on a March for Hostages Held in Gaza*, N.Y. Times (June 4, 2025), <https://www.nytimes.com/2025/06/02/us/boulder-colorado-attack-what-we-know.html>.
- An armed driver rammed a truck into a Michigan synagogue, threatening over

100 preschool children. *See* Nicole Acevedo and Rich Schapiro, *A Truck Plowed Into a Michigan Synagogue—and the Security Staff and Preschool Teachers Knew Just What to Do*, NBC News (Mar. 13, 2026), <https://www.nbcnews.com/news/us-news/michigan-synagogue-attack-security-rcna262996>.

A court that analyzes only one strand of this convergence or treats the academic framing as insulating the jihadist content from legal scrutiny, will systematically underestimate both the severity and the discriminatory character of the environment those students endured.

Western anti-Zionism has found its primary institutional home in universities—precisely the setting at issue here and where these frameworks have been most directly weaponized against Jewish students. Its academic vocabulary has become the intellectual infrastructure through which Hamas Covenant slogans and calls to globalize anti-Jewish violence acquire scholarly respectability. Understanding this function is essential to understanding what occurred at MIT.

III. THE HISTORICAL CONTEXT IN WHICH JEWISH STUDENTS EXPERIENCED THE ALLEGED CONDUCT IS LEGALLY RELEVANT

A Title VI hostile environment claim turns on harassment that is “severe or pervasive, and objectively offensive” enough to deny equal access to education, *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999), judged from the perspective of a reasonable person in the

plaintiff's position, considering all the circumstances and the social context in which the conduct occurred. *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 81 (1998). Context is not background to that inquiry; it determines meaning. This Court has said as much: a burning cross on a Black family's lawn is intimidation, not abstract expression, because of the symbol's historical association with racial terror. *See, Virginia v. Black*, 538 U.S. 343 (2003). A court that strips away that history does not apply a more objective standard—it applies an artificially context-free one.

The traditions this brief has traced—Nazi, Soviet, and jihadist anti-Zionism, and their convergence in Western anti-Zionism and the Red-Green alliance—supply exactly the context *Oncale* demands. Each has served as a vehicle for anti-Jewish discrimination and violence, and that history is not academic to the students at MIT. Jewish students today are, in many cases, the children and grandchildren of those who were murdered, imprisoned, barred from universities, or driven from their homes by these very movements. They encounter it through the memory of relatives who lived and died under it. That inherited experience is precisely what *Oncale* directs a court to consider—far more than a dictionary definition of “intifada” or a defendant's self-protective insistence that its students' speech was not antisemitic. The reasonable person in the Petitioners' position is a Jewish student who knows what this rhetoric has historically preceded and accompanied.

So, when Jewish students at MIT heard “From the River to the Sea,” a chant that derives from the Hamas Covenant's call to kill Jews, in the days and weeks after

the largest mass killing of Jews since the Holocaust; when protesters demanded “there is only one solution, intifada revolution” and declared “resistance is justified” as the killing continued; when chalked “Free Palestine” messages were scrawled directly outside a vigil organized by Jewish students; and when students were excluded from campus spaces because they were Jews, *StandWithUs Center for Legal Justice v. Massachusetts Institute of Technology*, 158 F.4th 1, 2–8, 20 (1st Cir. 2025), a reasonable Jewish student could experience that environment as hostile, threatening, and interfering with their education. Not because criticism of Israel is unlawful, but because these words and acts, in this setting and against this history, plausibly conveyed far more than policy advocacy.

That is all the pleadings stage requires. The question is not whether Petitioners will ultimately prove a Title VI violation, but whether their well-pleaded allegations, read together and in context with reasonable inference drawn in their favor, plausibly state one. Petitioners were entitled to present the very history this brief describes. By resolving that contested question of historical meaning against them, crediting dictionary definitions and the Respondent’s characterization of its own students’ conduct over the lived experience and historical understandings of the Jewish students who endured it—the First Circuit committed reversible error.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

The First Circuit's decision demonstrates a failure to situate anti-Zionist ideology and the specific conduct alleged by Jewish students at MIT within the historical and scholarly context that gives it meaning. Courts that evaluate Title VI claims by Jewish students without this historical knowledge will systematically underestimate the severity of the discrimination those students face and will fail to provide them the protections that Title VI guarantees. The Court should grant certiorari to ensure that Jewish students are afforded the same protections under federal anti-discrimination law as every other group that Congress intended to protect.

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