

**Testimony in Opposition to H.C.R. No. 10**  
**Ohio State Transportation, Commerce and Workforce Committee**  
**18 March 2018**

Chair LaRose, Vice Chair Kunze, Ranking Member Schiavoni and Members of the Committee:

My name is Jacob Ari Labendz and I direct the Center for Judaic and Holocaust Studies at Youngstown State University. I am a published scholar of modern Jewish history. Much of my work focuses on contemporary antisemitism in America and in Europe. I am also a committed Jew and am active in Jewish communal life in Youngstown, OH.

I write representing myself alone. The views to follow are not necessarily those of Youngstown State University or the Center for Judaic and Holocaust Studies at Youngstown State University.

I implore you to vote against H. C. R. 10. Given the late hour, I have attached my testimony as a running commentary on the proposed resolution. In short, I argue the following:

- The resolution creates a false equivalence between anti-Zionism and antisemitism, and so makes fighting actual antisemitism in Ohio more difficult.
- The resolution is based on false, willfully misleading, and incomplete information.
- The resolution purports to define the Jewish people and its interests in ways rejected by many Jews. In characterizing our opposing views as antisemitic, it cruelly labels us as antisemites. The resolution implies that Jews cannot achieve self-determination in Ohio.
- The resolution ignores Palestinian interests, the context of the BDS campaign, and censures Palestinian-led, non-violent resistance to Israeli oppression—which should be supported as an alternative to violence. What options have you left for Palestinians?
- In the name of Freedom of Speech, the resolution seeks to curtail that same cherished American right. It can justifiably be considered a threat to professors, students, and university administrators in Ohio (including me).

In closing, I want to thank you for your time and consideration. I also want to express my deep gratitude that you and your colleagues in the Ohio General Assembly take the pressing issue of antisemitism so seriously. I applaud you! Unfortunately, H. C. R. 10 will only make it more difficult to fight antisemitism in Ohio. It will curtail our right to free speech. It is an insult and danger to Palestinians and an obstacle to forging a just and lasting peace in the Middle East. I would be happy to answer any questions that you may have.

Sincerely,



Jacob Ari Labendz, PhD

### Running Commentary from an Expert on Antisemitism

“WHEREAS, The State of Israel, the only democracy in the Middle East, is the greatest friend and ally of the United States in the Middle East; and” (8-10).

- Given that Israel controls the lives of millions of Palestinians (in the Occupied Territories, Gaza, and Jerusalem) who cannot vote in Israeli elections, we may fairly question the completeness of Israeli democracy and look for historical parallels in Apartheid South Africa and in America before the passage of the 15<sup>th</sup> and 20<sup>th</sup> Amendments.

“WHEREAS, The elected representatives of Ohio recognize the importance of expressing their unabridged support for the Jewish people and the State of Israel’s right to exist and thrive, and their unabridged support for Israel’s right of self-defense; and” (19-22).

- The Jewish people and the State of Israel should not be conflated in the manner. It is fully consistent to believe in the right of a Jewish people (or peoples) to “exist and thrive” and also to reject the nation-state construct in general or the State of Israel in particular, as a means to secure Jewish existence and self-determination.
- In failing to guarantee the same rights and protections to Palestinians this statement is incomplete. Inasmuch it cannot serve as a foundation for just and peaceful resolution to the conflict. The statement undermines America’s hope to lead.

“WHEREAS, The international Boycott, Divestment, and Sanctions movement is one of the main vehicles for legitimizing anti-Semitism on campus and advocating the elimination of the Jewish State; and” (26-29).

- Recent studies conducted by researchers at Brandeis University and Stanford contradict and complicate the claims made in this section. See:
  - <https://stanford.app.box.com/v/Safeandonthesidelinesreport>
  - <https://www.brandeis.edu/ssri/pdfs/campusstudies/LimitsofHostility.pdf>
- One should not conflate antisemitism, which is always illegitimate and dangerous, with anti-Zionism, which is one of many different political perspectives held in good faith by Americans and other people around the world, including a growing number of Jews.
- This statement makes no sense, if one considers that there are many Jews who support and promote BDS as Jews and as a reflection of Jewish values. For a government body to tell Jews what is and what is not in accordance with Jewish principles is not acceptable.
- While some proponents of BDS have engaged in antisemitism, the movement itself should not be considered antisemitic, especially given the documented efforts of many

leaders to work from an anti-racist framework and to oppose antisemitism. I have witnessed this anti-antisemitic work as an activist in the field.

- The rise of the Alt-Right as a public, antisemitic movement and its support from the American New Right (and the White House) poses a great(er) threat to the security of Jews on American campuses and in general. To that end, antisemitic bigots like Richard Spencer and Sebastian Gorka have celebrated and supported Israel and Zionism. The German racist organization PEGIDA uses support for Israel to whitewash its bigoted agenda. This is not accidental. Rabid ethno-nationalists support one another. A case in point is that Israeli PM Benjamin Netanyahu has embraced Hungarian PM Viktor Orban, despite the latter's ongoing antisemitic campaign.

“WHEREAS, The dramatic increase in Boycott, Divestment, and Sanctions campaign activities on college campuses around the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming of vital importance to all American students related to the State of Israel and politics in the Middle East; and” (38-43).

- This is not necessarily or simply the case. See the studies from Stanford and Brandeis.

“WHEREAS, Leaders of the Boycott, Divestment, and Sanctions movement say their goal is to eliminate Israel as the home of the Jewish people, and signs and messaging at anti-Israel rallies have adopted the Boycott, Divestment, and Sanctions movement's theme slogan, 'Palestine forever, Israel Never Ever' meaning that the State of Israel would cease to exist, falsely denying the Jewish people's and Israel's historical connection to its ancient home in the Land of Israel, including the present day State of Israel, and Jerusalem, Judea, and Samaria, which were the heartland of the ancient nations of Israel and Judah; and” (44-54).

- The BDS does not have a “theme slogan.” If it did, however, the slogan “From the River to the Sea, Palestine will be free” stands as a stronger contender. Many within the movement understand this to be a call for the creation of a fully democratic and civic state (or states) for all of its (or their) inhabitants, regardless of religion or nationality.
- The BDS movement does not reject the historic ties of Jews to the Ancient Land of Israel. It simply rejects the idea that those ties invalidate or take precedence over the human and civil rights of Palestinians, as well as the historic ties of Palestinians to the land.
- It is shameful that statement from Ohio Representatives refers to the territories illegally occupied by the State of Israel after 1967, per UN resolutions, as “Judea” and “Samaria,” implicitly condoning Israel's expansionist policies and the continued settlement project. The latter is a main obstacle for achieving a just and lasting peace. Settlement expansion has made the popular dream of a two-state solution nearly impossible to achieve. The terms “Judea” and “Samaria” also carry religious (often messianic) content which is inappropriate for an Ohio Senate resolution.

“WHEREAS, Ohio’s elected representatives who defend the inalienable right to free speech understand that the goals and activities of Boycott, Divestment, and Sanctions campaigns in Ohio are harmful to the State’s relationship with Ohio’s Jewish citizens, with Ohio’s non-Jewish citizens who support the State of Israel and the Jewish people, and with the Jewish homeland, Israel, and have a deleterious impact on the educational environment; and” (55-62).

- Promoting boycotts, divestment, and sanctions should be considered protected speech.
- Engaging in boycotts and divestments (only governments can levy sanctions) should be considered an exercise of free speech consistent with American values and right. We are justifiably proud of the BDS campaign which helped bring change to South Africa. Many Palestinians and Jews seek to use similar tactics to bring change to Israel and Palestine.
- The Constitution limits the ability of the government to curtail the speech of citizens. It does not guarantee that speech must be free from all social and political consequences not applied by the government. This means that it is right and to be expected that those who seek to defend the oppression of Palestinians will face peaceful and lawful resistance from their fellow citizens. (See below on academic debate.)
- It is bigoted to assume that all Jews stand with Israel and to ignore the prominence of Jews in movements against the politics of that state. This includes both secular and religious, anti-Zionist Jews. Recent research has shown that support for Israel among American Jews, particularly of the younger generation has fallen significantly. The government should not tell Jews how to be Jews, nor assume a normative mode of Jewishness. That is tantamount to antisemitism.
- One must prove that there has been “a deleterious impact on the educational environment” specifically caused by the movement for BDS. It cannot simply be stated.

“WHEREAS, The Boycott, Divestment, and Sanctions campaign’s call for academic boycotts has been condemned by many of our nation’s largest academic associations, over two hundred fifty university presidents, and many other leading scholars as a violation of the bedrock principle of academic freedom; now therefore be it” (63-68).

- This ignores the widespread support for BDS among academics and associations.
- Even within the movement for BDS, proponents debate the validity and value of an academic boycott. This should be handled as a separate matter and invalidates much of the criticism (often based upon assertions, false statements, and biases) offered above.

“RESOLVED, That the members of the General Assembly condemn the international Boycott, Divestment, and Sanctions movement and its activities in Ohio for legitimizing anti-Semitism

and for seeking to undermine the Jewish people's right to self-determination, which they are fulfilling in the State of Israel; and be it further" (69-74).

- Given the context of how BDS is promoted and negotiated, it is, once again, problematic to conflate general BDS with academic BDS.
- One can support Jewish self-determination without supporting the State of Israel as a means for its achievement. Jews enjoy the right to self-determination here, in Ohio. For the Senate to imply that this is not the case is deeply problematic.
- BDS does not legitimize anti-Semitism. It shines a light on the illegitimacy of the policies and politics of the State of Israel with regard to Palestinians. The Occupation, not BDS, delegitimizes Israel.

"RESOLVED, That the members of the General Assembly consider the international Boycott, Divestment, and Sanctions movement and its agenda inherently antithetical and deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East and in the United States; and be it further" (81-86).

- The movement for BDS is a form of Palestinian-led, non-violent resistance to the politics of the State of Israel, the Israeli occupation, and the siege of Gaza. It is unconscionable and cynical that critics of violent resistance, who demand only non-violent resistance of Palestinians in the face of violent Israeli oppression, condemn the most successful manifestation of Palestinian non-violence.
- This resolution fails to explain how the non-violent activism on behalf of Palestinian rights undermines, in any way, "the causes of peace, justice, equality, democracy, and human rights for all people in the Middle East and in the United States."

"RESOLVED, That we, the members of the 132<sup>nd</sup> General Assembly of the State of Ohio, reaffirm our support for the State of Israel, recognize that the Jewish people are indigenous to the land of Israel, condemn all attacks on the people of Israel, support Israel's right to engage in lawful acts of self-defense, and oppose all attempts to deny the legitimacy of Israel as a sovereign state; and be it further" (87-93).

- The concept of indigeneity is complex and rooted in histories of colonialism. (One becomes "indigenous" only when colonized.) We can fairly speak of the historic and religious ties of Jews to the land of Israel without invoking indigeneity. In general, "blood and soil" politics are to be repudiated as racist.
- That said, if Jews are indigenous to Israel, so too are Palestinians, the victims of occupation and colonialism. Indigeneity, thus, can have no bearing on this matter.

- It is cynical and offensive to imply a connection between BDS and “attacks on the people of Israel,” as BDS is a strategy of non-violence (used by non-combatants facing violent oppression).
- Israel consistently violates the law in its perceived self-defense. For example, it maintains an illegal occupation of a civilian population and engages in collective reprisals. One cannot fairly evaluate BDS in abstraction from this context.

“RESOLVED, That we, the members of the 132<sup>nd</sup> General Assembly of the State of Ohio, reaffirm our position that the trustees, administrators, and educators at all levels in our universities in Ohio, must take an active stand against all anti-Semitic actions and intimidation taken against Jewish students on their campuses, whereby all students may feel safe, and be safe from harm do to these pernicious activities; and be it further” (94-101).

- One cannot but agree with and support the good intentions behind this statement.
- One may question, however, whether “these pernicious activities” actually result in any or all of the negative consequences given.

“RESOLVED, That the members of the General Assembly encourage and support the exercise of free speech and civil debate, particularly on college campuses, and further encourage university and college administrations to curb and impediments to free speech and any abridgment of free speech on campus by any individuals or groups, and urge them to take disciplinary action against all students, faculty, and administrators who engage in actions that abridge free speech on campus in violation of the First Amendment to the Constitution of the United States; and be it further” (102-111).

- Presumably, the Constitutionally protected right to free speech includes the right to call for boycotts, divestment, and sanctions. Protesting speech with speech and other forms of legal protest should also fall under the category of protected speech.
- There is a significant difference between the curation of academic debate and the abrogation of free speech. We do not give equal space at our institutions, for example, to people who do not accept that the Earth is round. The institutional vetting of speech is vital to the well-functioning of our universities and not, in and of itself, an abrogation of Constitutional protections. (One may always speak elsewhere.)
- Lacking strong evidence here that American freedoms have been curtailed unfairly and illegally by proponents of BDS, one may be justified in perceiving this resolution to be an unwarranted threat and, perhaps, even a form of unlawful prior restraint.