

**TESTIMONY OF:
American Jewish Committee
PROPONENT PARTY**

S.B. 297, Define antisemitism; expand offense of ethnic intimidation

[Columbus, OH, 12/3/24] — Dear Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and Members of the Senate Judiciary Committee,

We welcome this opportunity to testify about SB-297.

The American Jewish Committee was founded in 1906 in the wake of the infamous Kishinev pogroms, a pogrom fueled by the notorious antisemitic forgery, *The Protocols of the Elders of Zion*, to protect the rights of Jews in the United States and around the world. While AJC is committed to the proposition that the safety of Jews most securely rests on the existence of a healthy democracy which respects the rights of minorities, it has never lost focus on the need to combat the disease of antisemitism everywhere.

As with physical diseases, it is impossible to treat a disease without agreed upon diagnostic criteria. Unfortunately, the disease of antisemitism manifests itself in many ways and is generated from many points on political, ideological, religious, and cultural compass.

To be useful, then, a definition must be capable of encompassing all of these and do so in a way that does not itself reflect political bias. A definition that only captures antisemitism of the right, for example, is of little use when much antisemitism comes from the left of the political spectrum. But it would be no less wrong to have a definition that only identified antisemitism of the left and ignored or excluded antisemitism of the right. Some antisemitism is religious, some cultural. A political only set of criteria would miss those manifestations.

It was to meet this need for an agreed upon, universally applicable diagnostic tool that the International Holocaust Remembrance Association (IHRA) definition of antisemitism was drafted and adopted in 2004. Since then, it has been adopted by about 2/3 of the states, most of the European Union countries and many cities and universities.

The advantage of a universal definition should be obvious. There should not be one definition of antisemitism applied at The Ohio State University, and a different one at the University of Cincinnati or Kent State University.

Police departments across the state should have a single yardstick for determining whether a crime should be classified as an antisemitic hate crime.

Agencies charged with enforcing employment discrimination laws should not be left without uniform guidance on whether aspects of the workplace or place of public accommodation environment are antisemitic.



SB 297 does not introduce a novel idea into Ohio law and administrative practice. Governor DeWine issued an executive order in 2022, directing agencies to use the definition to determine whether a particular act within their regulatory competence should be classified as antisemitic. Adopting this legislation, or similar, but not identical, legislation pending in the House, would lend the imprimatur of the Legislature to what the Governor has already done and thus enhance and reinforce its democratic legitimacy. That's important, not mere duplication of effort.

Opponents of the adoption of the IHRA definition typically argue that it is intended to squelch speech critical of Israel. The definition itself disclaims any intention of doing so, and today we reiterate that in supporting this legislation and the adoption of the definition, we have no desire to squelch the legitimate criticism of Israel.

Criticism of Israel has not disappeared in Ohio since the governor issued his executive order, it has not disappeared in the 2/3 of the states that have adopted the definition, and it has not disappeared in the European Union which has also adopted the definition. The argument is a red herring.

It does not follow that because some criticism of Israel is not antisemitic, none of it is. On the contrary, too much of the criticism of Israel that we've heard since October 7th is indelibly stained with a deep-seated antisemitism. It is a feature, not a bug, of the definition that it calls this out and does not allow antisemites to hide behind a thin veneer of political commentary or moral high-mindedness.

We do think, however, that the definition would be better placed in the civil rights sections of the Ohio Code, rather than in the criminal provisions addressing ethnic intimidation. While there is substance to the definition--it is not a standardless pious denunciation of antisemitism-- there is also built into it a fair amount of flexibility to address change and varying circumstances. It might be that something that is antisemitic in one context is not in another or that something that is not antisemitic in one context would be antisemitic in another. The definition thus inherently lacks the precision and certainty which should be the hallmark of criminal codification especially if it touches upon speech. We therefore recommend that the bill be amended accordingly.

Thank you for your consideration of our testimony.

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