



Proponent Testimony in Support of SB 297: Defining Antisemitism
Ohio Senate | Judiciary Committee
Columbus, OH | December 4, 2024

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and Members of the Committee:

Statement of Interest.

Ohio Jewish Communities is the statewide government advocacy, public affairs, and community relations voice of our eight Jewish federations and their 150 community, cultural, social, and human services agencies on the front lines helping Ohioans of every faith – and of none – every day. We submit this testimony on their behalf as well.

Just yesterday we submitted testimony on a bill to provide civil immunity for armed guards protecting nonprofits. Armed guards are now a requirement at every Jewish institution. Some call this the “antisemitism tax.” And, here in Ohio, our communities remain grateful that our public officials, including this General Assembly, Governor DeWine, and his cabinet, have made protecting vulnerable cause-focused nonprofits and faith-based organizations from terrorism a priority.

As hatred, and in the case of this legislation, Jew-hatred, has exploded in threats, bigotry, discrimination, harassment, intimidation, and even violence, there is more we can do. This targeted legislation is a key element in filling gaps to help law enforcement, prosecutors, and judges as well as teachers, principals, superintendents, faculty and administration, and human resources leaders to fight this hatred.

We are grateful to Sens. Johnson, Antani, Cirino, and Schaffer for their sponsorship. Likewise, we are grateful to all the organizations and individuals who have come here today in support of this legislation, and to share their personal stories with you.

What does this legislation do?

This legislation will codify into the Ohio Revised Code the International Holocaust Remembrance Alliance working definition of antisemitism¹. The definition, along with its relevant examples, is attached here as an addendum.

That’s all.

The definition itself is just that – a definition. It helps everyone to understand what antisemitism might be, and then, if something is antisemitic, to place that antisemitism into the appropriate civil or criminal context.

What is the IHRA Definition of Antisemitism?

It is the most commonly accepted definition of antisemitism, of Jew-hatred, in the world; the Biden-Harris Administration’s National Strategy to Combat Antisemitism calls it the “most prominent” and notes it is the one the United States has “embraced.”² In a world filled with strident political

¹ <https://holocaustremembrance.com/resources/working-definition-antisemitism>

² <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>

polarization, here in the United States, the legislation is wholly bipartisan; around the world it has the acceptance of dozens of countries, and thousands of institutions and organizations across the public and private sectors in 43 countries.

Most recently, 42 countries and international organizations endorsed the usage of IHRA in the Global Guidelines for Countering Antisemitism.

“In order to combat antisemitism, governments need tools to understand its various manifestations. The legally non-binding “International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism” is an important internationally recognized instrument used by over 40 U.N. member states since its adoption in 2016. In addition, hundreds of sub-national public authorities, universities, sports bodies, NGOs, and corporations rely on it.³”

The US State Department began using it under President George W. Bush in 2007⁴, and officially adopted it under President Barack Obama in 2010⁵. President Donald Trump issued an executive order requiring the Education Department to use the definition in Title VI civil rights investigations⁶, and that executive order has been continued by President Joe Biden⁷.

Who uses it?

At least 36 US States – including Ohio under Governor DeWine’s executive order⁸ - join the US State Department and the US Department of Education in using the IHRA definition, along with at least 1,231 entities worldwide as diverse as the European Commission to top tier soccer clubs and universities. Of the 36 states, at least eight have permanently codified it into law⁹.

Cities and counties across the US, including Cincinnati, have adopted the definition. This includes Dallas, Des Moines, Las Vegas, Los Angeles, Miami, Montgomery County (MD), Stamford, Washington, DC, and Westchester County (NY).

Internationally, this includes the EU Council, Albania, Australia, Austria, Bahrain, France, Germany, Hungary, Italy, Kosovo, Latvia, Lithuania, Poland, Romania, South Korea, Spain, and the UK. Seven of ten Canadian provinces use the definition. Cities across the world include Barcelona, Berlin, London, Madrid, Paris, and Warsaw.

³ <https://www.state.gov/global-guidelines-for-countering-antisemitism/>

⁴ https://brandeiscenter.com/wp-content/uploads/2024/03/guide_fags_antisemitism-2022c.pdf

⁵ <https://www.state.gov/defining-antisemitism/>

⁶ <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-anti-semitism/>

⁷ <https://www.ed.gov/media/document/qa-titleix-anti-semitism-20210119pdf#:~:text=of%20Anti%2DSemitism-,Antisemitism%20is%20a%20certain%20perception%20of%20Jews%2C%20which%20may%20be,community%20institutions%20and%20religious%20facilities.>

⁸ <https://governor.ohio.gov/media/executive-orders/executive-order-2022-06d>

⁹ See <https://combatantisemitism.org/wp-content/uploads/2024/09/2024-Mid-Year-IHRA-Report-09-26-2024.pdf> and more generally, here, <https://ihra.combatantisemitism.org/>



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Private entities include Lufthansa Airlines, Chelsea FC, the Argentine Football Association, Croatian Football Federation, Daimler AG, Deutsche Bank, UK Football Association, German Football Association, Leeds United FC, Manchester United FC, and Volkswagen.

Just to emphasize here again, Germany, Austria, and Bahrain use this definition as does the Berlin municipality as well as Deutsche Bank, Lufthansa and Volkswagen. Countries that have some of the clearest understanding of what antisemitism is, based on their own historical record, use this definition.

Why is it necessary?

You don't have to look very far for a sense of how dangerous the world has become for Jews again. A rabbi murdered in cold blood in the United Arab Emirates. A "Jew-hunt" in Amsterdam. An identifiably Jewish man shot on the Sabbath while walking to synagogue in Chicago. And that's just in the last few weeks.

Amsterdam's mayor refuses to call this what it is. So too, Chicago police refused to call this vile hate crime by its name.

Unfortunately, in these cases, and so many more, Jew-hatred isn't like obscenity. Supreme Court Justice Potter Stewart famously said in a case from our own great state, *Jacobellis v. Ohio*¹⁰, "I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it,"

With antisemitism, time and again, especially since October 7, 2023, we have been told incidents don't rise to an antisemitic action or crime. People with power to respond, and the responsibility to do so simply "don't know it when they see it."

The IHRA definition, and its examples, provide the definition necessary to understand if something is indeed antisemitic. But all that means at that point is that the person hates Jews and they said or did something to showcase their bigotry. IHRA itself doesn't punish, and it can't penalize.

That bigotry could still be First Amendment protected expression.

How does it work in concert with criminal or other investigations?

The IHRA definition is just that. It defines what antisemitism might be. On its own, as a standalone, all it can tell you is if something could be Jew-hatred. There is no simple "if so, then this." If something is antisemitic, it might indeed be an aggravating factor in a criminal charge; or it could be the evidence needed in a violation of conduct investigation at a university. But prosecutors and investigators still need to prove their case. If they can't prove a crime was committed or a student or employee violated a policy, there's nothing more that occurs.

¹⁰ <https://caselaw.findlaw.com/court/us-supreme-court/378/184.html>



How does it work with the First Amendment?

Similarly, you have heard, and will hear, many horrific personal stories today recounted, likely by students, who have been subjected to the very worst in our body politic. The IHRA definition can help tell a school or a supervisor if someone said or did something antisemitic. But Jew-hatred, as terrible as it is, like all other forms of hate and bigotry, remains protected by the First Amendment. However, when that hatred morphs into a crime or other action covered by a school or work policy, only then can penalties be assessed.

Again, what IHRA does is educate and define. It does not, and cannot, on its own, punish anyone civilly or criminally.

Next Steps

The IHRA definition of antisemitism is already in use here in Ohio via Governor DeWine's executive order, and it is required to be used by colleges and universities nationwide by presidential executive order.

The United States State Department uses it. And we expect our allies worldwide to do so. It is time we here in Ohio ensure we do the same, permanently.

We ask this committee to report this legislation immediately, and for the Rules & Reference Committee to schedule it for a floor vote during this session. Now is the time for action, and this action shouldn't have to wait until the next GA.

Other Actions

We also ask that this GA take other steps to protect Jews and others from harassment and violence.

Specifically,

Update the State's anti-masking law

1. Ohio's anti-masking law requires an update. Working with the ADL, we have a specific amendment that focuses on wearing a mask as an act of intimidation or harassment. The language is attached [here](#).

Create a new misdemeanor for leafleting or picketing when intended to intimidate based on identity

2. While leafleting, and even, at times, protesting can be First Amendment protected activity, doing so in a way meant to harass or intimidate an individual based on their race, religion, ethnicity, etc. is illegal, and, should be punished as such. Rep. Sara Carruthers has introduced legislation on this, [HB 544](#). The bill essentially creates an additional misdemeanor for private trespass when the intent is to intimidate.

Regulate time, place, and manner of protests near private homes and residential areas



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3. In addition, reasonable time, place, and manner restrictions on protests allow for government regulation of such activity. Highland Park, Illinois recently enacted legislation restricting and governing all protests in residential areas. Ohio should do the same. The ordinance is attached [here](#).

Protect clergy and community leaders' home address from public searches

4. The Secretary of State's "shielding our protectors" program runs parallel to its "Safe at Home" program. The latter protects domestic violence victims and the former expands into judges, prosecutors, and law enforcement. The attached [amendment](#) would expand these programs to include clergy/community leaders.

Create a misdemeanor offense of Cemetery Vandalism when intended to harass or intimidate based on the identity of the cemetery or the deceased

5. Ohio is home to dozens of Jewish cemeteries, including some of great historic significance. (Cincinnati is the site of the [oldest](#) Jewish cemetery in North America west of the Allegheny Mountains.) The Tifereth Israel cemetery saw a June hate crime where close to 200 headstones were [overturned](#). Increase penalties for vandalism, destruction, and desecration of cemeteries and/or headstones and other property located in cemeteries that identify those buried as a minority at risk of terror attack or hate crime, or other identifiable characteristics that would provoke discrimination and bigotry, such as religion, race, ethnicity, gender, or sexual orientation.

Thank you for this opportunity, and for listening. I'm available for any questions. We look forward to working with you.

Howie Beigelman, President & CEO



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Addendum 1: List of Supporters

Addendum 2: IHRA Definition & its examples



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SB 297 Supporting Organizations



HADASSAH





26 May 2016

IHRA non-legally binding working definition of antisemitism

Adopted by the IHRA Plenary in Bucharest

In the spirit of the Stockholm Declaration that states: "With humanity still scarred by ...antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils" the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.



Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.