

Ohio Senate Judiciary Committee
December 11th, 2024

Written Testimony in Opposition to Adoption of IHRA Definition of Antisemitism in SB 297

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

As a proud Jewish citizen of Ohio, it is my great honor to submit written testimony regarding SB 297. Growing up as one of only a handful of Jewish students in my public school system, I was exposed to my fair share of casual antisemitism. Learning from textbooks and synagogue about the horrors of the Holocaust further developed my understanding of the topic. Stories about my Great-Grandparents' exodus from Eastern Europe during the rise of Nazism and my great-uncle, and namesake, Max's role in helping other Jewish families escape inspired a lifelong commitment to fighting hate and persecution in all its forms.

I am simultaneously encouraged and concerned by the discourse around antisemitism in our state. On the one hand, it is incredible to see Ohioans of all backgrounds rallying behind their Jewish neighbors in opposition to the rising tide antisemitism in this country. Numerous articles and videos documenting community response to the recent Neo-Nazi rally in Columbus, perhaps one of the most heinous acts of antisemitism in Ohio's recent history, give me great hope. It made clear that, while serious threats to the Jewish community's safety are painfully real, our State is still a place where such explicit hate will not be tolerated, by Jews and Non-Jews alike.

I would love to believe that SB 297 seeks to advance and codify this bipartisan opposition to antisemitism, which is clearly part of our collective identity. Unfortunately, three factors have convinced me that it will instead be used to criminalize legitimate use of free speech while undermining efforts to crack down on substantive threats to Jewish communities.

1. **The IHRA definition is dangerously vague.** Characterization of antisemitism as "a certain perception of Jews, which may be expressed as hatred toward Jews" and which could be directed towards "Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities" allows for nearly any criticism of Jewish, or even non-Jewish, groups or individuals to be categorized as antisemitism. As such, codifying this definition into law would create a dynamic by which constructive conversations regarding the evolution of Jewish institutions, domestically or abroad, will be stifled. This outcome would be both counter-productive to the long-term growth of our people as well as be antisemitic in of itself as it would restrict the range of views that Jews such as myself could express about our own culture and politics

2. **The IHRA definition conflates legitimate criticism of the State of Israel with antisemitism.** While the IHRA states that “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic,” five of the eleven examples it gives of antisemitism focus on speech about Israel, rather than discrimination against Jews. Many of the proponent testimonies submitted to this committee refine this focus, lifting up criticism of Israel’s actions in the Palestinian Territories as the most pressing form of antisemitism and making clear that the core intent of SB 297 is to criminalize free speech opposing the invasion of Gaza. This kind of challenge to Israel’s policies is not a reaction to the Jewish nature of the State but rather a proportionate response to decades of oppression that the International Court of Justice recently described as unlawful occupation. I fear that SB 297 will blur this line, weaponizing IHRA’s definition to categorize any reproach of Israel’s conduct as antisemitism.
3. **The IHRA definition fails to emphasize the central role of far-right extremism in antisemitism.** As I mentioned before, it is undeniable that antisemitism is on the rise, in Ohio and across the U.S. However, the IHRA definition of antisemitism, and proponents of SB 297, fail to target the root cause of this trend – far-right extremism. By conflating protests on college campuses that condemn Israeli state violence with Neo-Nazi marches calling for the genocide of Jews, we do the movement for Jewish dignity a disservice by focusing our energy in the wrong place. Instead, we must continue to build cross-cultural coalitions with the power to tackle far-right threats to the rights of Jews, Muslims, and Christians alike.

While I support community and government efforts to combat antisemitism, I feel compelled to oppose the adoption of SB 297. This bill will sow confusion about the true nature of antisemitism and create the context for quashing the first amendment rights of Jewish and Non-Jewish Americans. Instead, I would recommend increased investigation of white nationalists and other far-right extremist groups as well as a broader public dialogue about the nature of antisemitism that incorporates the full range of Jewish perspectives on the topic.

Thank you again for the opportunity to share this testimony and for your thoughtful consideration of this important topic.

Sincerely,



Max Herzog
Resident of Cleveland, OH