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Antisemitism is real and must be eradicated. However, S.B. 297 is the wrong approach because it violates the United States Constitution and Ohio law in the following three ways:

I. *S.B. 297 violates the Equal Protection Clause of the Fourteenth Amendment because it heightens protections for a specific class of people while excluding others from the same protection, i.e., there is no law defining with specificity the types of acts that constitute irrational hatred towards Blacks, Muslims, Asians, Hispanics, and other protected classes.*¹

II. *S.B. 297 violates the Due Process Clause of the Fourteenth Amendment because it deprives people of life and liberty by not giving adequate notice as to what conduct is prohibited, i.e., no person could possibly understand what constitutes antisemitism under one of IHRA's examples that a person may not apply "double standards" to Israel.*²

III. *S.B. 297 violates the Free Speech Clause of the First Amendment because it suppresses content based, constitutionally protected speech by prohibiting a person on a college campus from saying, e.g., "Israel's government is acting like Nazi Germany," or "Northern Gaza is currently a concentration camp."*³

Some think that IHRA's definition only affects what is considered ethnic intimidation and does not affect free speech rights. The opposite is true. The definition does not apply to ethnic intimidation crimes because it cannot: the Supreme Court long ago held that hate crimes cannot be content based.⁴ The intent behind S.B. 297 is to silence justified criticism of Israel on college campuses by equating it with racial and religious discrimination. The bill conflates nazis marching in Columbus with legitimate protests against Israel, a comparison that is disingenuous and insulting, especially when many who are protesting are Jewish.

Ultimately, IHRA's definition contradicts itself. The last example it gives says that antisemitism is holding all Jewish people responsible for the actions of Israel - an acknowledgement that not all Jews support Israel's actions - yet many of the remaining examples equate criticism of Israel with that of Jewish people.

Despite the good intentions of S.B. 297, it is unconstitutional and must be stopped.

¹ *Romer v. Evans*, 517 U.S. 620, 627 (1996) (striking down Colorado law that lowered protections for gay people).

² *Coates v. Cincinnati*, 402 U.S. 611, 617 (1971) (invalidating law prohibiting acting in an "annoying manner").

³ *Students for Just. in Palestine v. Abbott*, W.D. Tex. No. 1:24-CV-523-RP, 2024 U.S. Dist. LEXIS 196180 *32 (first court to review IHRA's definition said it is likely to "chill" speech); see also *Reed v. Town of Gilbert*, 576 U.S. 155, 155 (2015) ("Content-based laws--those that target speech based on its communicative content--are presumptively unconstitutional").

⁴ *Virginia v. Black*, 538 U.S. 343, 367 (2003) (cross-burning is not prima facie evidence of intimidation).