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### **Opposition to S.B. 297: Protect Free Speech and Academic Freedom in Ohio**

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

I am writing to express my strong opposition to Senate Bill 297, which seeks to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism into Ohio law. While combating antisemitism is a critical and commendable goal, S.B. 297 risks suppressing free speech and academic freedom, particularly in higher education, by conflating legitimate criticism of Israel with antisemitism.

The IHRA definition has faced significant criticism from human rights organizations, academic institutions, and progressive Jewish groups for its vague language and inclusion of examples that politicize antisemitism.<sup>1</sup> Notably, the definition labels as antisemitic "applying double standards to Israel" or "drawing comparisons of contemporary Israeli policies to that of the Nazis." Such language risks branding advocacy for Palestinian rights, including participation in the global Boycott, Divestment, and Sanctions (BDS) movement, as antisemitic—even when these actions are grounded in international law and human rights.<sup>2</sup>

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<sup>1</sup> See Roy Eidelson, *Weaponizing Antisemitism 101: A Back-to-School Special*, CounterPunch (Oct. 4, 2024),

<https://www.counterpunch.org/2024/10/04/weaponizing-antisemitism-101-a-back-to-school-special/>,

(explaining that "[a] range of scholars have criticized the IHRA's approach to defining antisemitism for its misplaced focus on Israel rather than on Jews as Jews. Moreover, the lead drafter of the IHRA working definition warned several years ago of efforts to weaponize it in order to attack 'academic freedom and free speech' and to pursue legal sanctions against those who engage in political speech critical of Israel and in support of Palestinian rights. And this past May, over 1,300 Jewish faculty published an open letter that called upon elected leaders not to codify the IHRA definition into U.S. federal law.").

<sup>2</sup> See Lana Tatour, *Censoring Palestine: human rights, academic freedom and the IHRA*, Australian Journal of Human Rights (August 13, 2024),

<https://www.tandfonline.com/doi/epdf/10.1080/1323238X.2024.2385504?needAccess=true>, ("The IHRA has been developed as part of the 'new antisemitism movement' which expands the definition of antisemitism to include anti-Zionism and critique of the Israeli state. It draws on deliberate conflation between Judaism (religion) and Zionism (political ideology) and on the conflation between anti-Zionism

As a recent graduate from the University of Toledo College of Law, I feel this concern is especially relevant to Ohio's higher education institutions. Throughout history, student movements have played a critical role in helping to drive social changes, from civil rights in the United States to ending apartheid in South Africa. Recent mass student demonstrations across Ohio campuses addressing Israel's actions in Gaza exemplify the critical role these spaces play in global justice advocacy. Hence, the timing of this legislation is suspect considering it was introduced in the wake of these mass student demonstrations, and the definition of 'antisemitism' that it proposes to adopt into law has been widely criticized for threatening to chill legitimate public debates on Israel's violations of international law.<sup>3</sup>

Furthermore, alternative definitions of antisemitism, such as the Jerusalem Declaration on Antisemitism (JDA), provide a more nuanced approach.<sup>4</sup> The JDA clearly distinguishes between antisemitism and political critique, protecting both Jewish communities and the right to free speech.<sup>5</sup> By adopting such a framework, Ohio can genuinely combat hatred effectively without compromising constitutional rights.

I urge you to reject S.B. 297 and instead support genuine efforts to combat antisemitism. Ohio's legislative priorities should include combating antisemitism, along with protecting our state's tradition of robust intellectual inquiry and ensuring that all voices can contribute to discussions about justice and human rights. However, in its current form, S.B. 297 threatens to implement a legal framework that may be cynically weaponized to censor speech on Palestine and shield Israel from legitimate criticism by labeling critical perspectives on Palestine as antisemitic.

Thank you for your attention to this important matter. I would be happy to discuss this further or provide additional resources.

Sincerely,

/s/ B. Noah Woods

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and antisemitism in order to censor public debates on Israel's violations of international law, the colonial and racist nature of the Zionist project, and decolonisation and Palestinian liberation.")

<sup>3</sup> See Foundation for Middle East Peace, Challenging the IHRA Definition of Antisemitism—Expert Views & Resources, <https://lawfare.fmep.org/resources/challenging-the-ihra-definition-of-antisemitism/>, (Providing a compendium of expert views and other resources laying out concerns/objections to the IHRA definition).

<sup>4</sup> <https://jerusalemdeclaration.org/>.

<sup>5</sup> See American Association of University Professors, *Legislative Threats to Academic Freedom: Redefinitions of Antisemitism and Racism* (March 2022),

<https://www.aaup.org/report/legislative-threats-academic-freedom-redefinitions-antisemitism-and-racism>, ("In an effort to remedy the effects of the IHRA definition, a group of scholars in the United States, Israel, Europe, and the United Kingdom drafted the "Jerusalem Declaration on Antisemitism," which—with the explicit aim of protecting academic freedom—acknowledges the importance of combating antisemitism while seeking a clearer definition of it, one that does not blur the distinction between antisemitic speech and political critiques of Israel and Zionism.").