

12-10-2024

Re: S.B 297

Members of the Judiciary Committee,

I am writing to express my opposition to the proposed bill S.B. 297 because it includes language meant to conflate vastly different ideologies and has the potential to limit activists' free speech.

When preparing this testimony, I did my due diligence and read all of the available proponent testimonies to be better informed on the supporting viewpoints. I find myself agreeing with the following general themes of many of these testimonies: demonstrations by neo-Nazi and similar white supremacist groups are concerningly common and should be aggressively addressed at all levels of our communities; we need better safe nets to ensure the protection of marginalized citizens; and there needs to be clear explanations and procedures for hate-crime policies to ensure consistent implementation.

The FBI's [Uniform Crime Reporting Program \(UCR\)](#) defines hate crimes as, “a committed criminal offense which is motivated, in whole or in part, by the offender’s bias(es) against a: race, religion, disability, sexual orientation, ethnicity, gender, and gender identity.” **I want to be very clear that I am vehemently opposed to all hate crimes and associated ideologies that perpetuate harm against these included populations.**

### **Conflating Ideologies: Neo-Nazis vs Palestinian Supporters**

There were two main groups of people that we were given as examples of antisemitic acts in the proponent testimonies: Neo-Nazis and Palestinian supporters. Aligning these two groups of people is irresponsible and dangerous due to their highly different motives and should not be linked together under this bill, or in any conversation. Neo-Nazi groups “share hatred for Jews and a love for Adolf Hitler and Nazi Germany. While they also hate nonwhite people, LGBTQ people and even sometimes Christians, they perceive ‘the Jew’ as their cardinal enemy” (Southern Poverty Law Center). These groups are associated with hate, white supremacy, and harm to marginalized groups.

Through attending conferences, community events, protests, and doing research, I have found that Palestinian supporters are educating communities about Palestinian culture and history, protesting the current genocide of Palestinian citizens, and working toward liberation from the Israeli occupation. These groups include people from all walks of life representing different races, ethnicities, nationalities, genders, sexual orientations, abilities, income levels, religions, and more. The aspects that unite everyone are not rooted in hate, but are rooted in anti-oppression, Indigenous rights/freedom, collective liberation, justice, and equality.

Jewish Voice for Peace was where I learned a lot of initial information about the Palestinian struggle, and their messaging highlights the dangers of conflating antisemitism and solidarity with Palestinians. In an article co-written with PARCEO Explainer, it states, “At a time when white supremacists and white nationalists take advantage of this moment to sow confusion and promote antisemitism, Islamophobia, and racism, misstating what antisemitism is harms all of our work for justice and endangers our communities” (November 9, 2023).

### **IHRA definition of antisemitism and limiting free speech**

The current bill also will add “contemporary examples identified by the IHRA” that have the ability to limit free speech of activists promoting Palestinian solidarity. Some examples that could limit free speech when advocating for public policy changes include:

- 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.
  - Lobbying efforts, especially at the federal level in the US, directly impact the policies that the US politicians enact. Criticism of said lobbying efforts should never be illegal and AIPAC is included in that notion. AIPAC’s website states, “We stand with those who stand with Israel. It is the largest pro-Israel PAC in America and contributed more resources directly to candidates than any other PAC” (2024). When you take into account that this PAC is bi-partisan and has a high rate of backed candidates winning, US citizens should be able to discuss and debate potential conflicts of interest in lobbying in the US for foreign 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.
  - The limiting aspect in this statement is specifically “racist endeavor”. The definition of racist that I am referring to is, “characterized by or showing prejudice, discrimination, or antagonism against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is a minority or marginalized” (Oxford Dictionary). In the current practice of the apartheid regime in Israel, Palestinians are a lower class due to their ethnic group and are marginalized through being separated from other areas of Palestinians, experiencing theft of their land and possessions, receiving limited resources, and having minimal autonomy within the Palestinian regions (Amnesty International, 2022).
- Using the symbols and images associated with classic antisemitism
  - “Classic” conveys a shared knowledge of historic or common symbols. Some symbols that I would not associate with antisemitism such as a watermelon or keffiyeh could be included in this list if a person disagrees with me. Both are symbols of solidarity for Palestine but has been labeled as “antisemitic” symbols in the media. Back to the conflating the two movements, although not in these examples listed, will the watermelon or wearing a keffiyeh result in prison?
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
  - International officials from overarching organizations like the UN, Amnesty International, ICC/ICJ to legal teams from individual countries have been investigating the current genocide in Gaza. Genocides have specific criteria that needs to be met to be labeled as such so it is not

uncommon to compare the current genocide in Gaza to other past genocides. At an individual level, I have seen testimony given by people with ties to survivors of the WW2 genocide in Germany and the surrounding areas. Under the current bill both individuals aligned with these organizations and those sharing personal testimonies will be at-risk legally.

In conclusion, due to the language used in the bill, harsh penalties such as jail time may be used to unconstitutionally punish Palestinian activists. As US citizens we have the right to speak freely, debate, and criticize government policies and actors. The conflation of anti-Israel government policies should not be associated with antisemitism, and should definitely not be illegal. I urge you to oppose this bill.

Written By: Elaina Emerson

Sources:

<https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr>

<https://www.splcenter.org/fighting-hate/extremist-files/ideology/neo-nazi>

<https://www.jewishvoiceforpeace.org/2023/11/09/antisemitism-dangerous/>

<https://www.aipac.org>

<https://www.oed.com/search/dictionary/?scope=Entries&q=racist>

<https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>