

Adam Smidi Talking Points on SB 297

Recommendations to law makers

- Reject the IHRA definition in favor of a more precise framework that does not conflate criticism of Israel with antisemitism.
- Incorporate an alternative definition of antisemitism into existing anti-discrimination laws that protect all groups equally.
- Focus efforts on addressing real instances of hate speech and violence without compromising constitutional rights.

1. The Bill Undermines Free Speech

SB 297 adopts the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, which includes contemporary examples equating criticism of Israeli government policies with antisemitism. While combating antisemitism is a necessary and worthy goal, this bill conflates legitimate political discourse with hate speech. This conflation directly infringes on our First Amendment rights, chilling activism, academic freedom, and non-violent protest critical of Israeli policies and Zionism. Such a broad and vague application risks labeling dissent as discriminatory, silencing voices advocating for Palestinian rights.

2. The Expansion of "Ethnic Intimidation" is Overreaching

The bill expands the criminal offense of "ethnic intimidation" to include riots and aggravated riots. Under this framework, a peaceful demonstration involving five or more individuals could be mischaracterized as a "riot" based on vague definitions. This not only criminalizes protest but also weaponizes law enforcement to surveil and intimidate activists under the guise of preventing hate crimes. Students, faculty, and community organizers could face disproportionate penalties for exercising their constitutional right to protest.

3. Selective Enforcement and Systemic Discrimination

By adopting the IHRA definition, SB 297 grants state agencies and universities the authority to investigate and penalize individuals based on subjective interpretations of antisemitism. This opens the door to selective enforcement against marginalized communities, particularly Muslim and Arab activists, and fosters systemic discrimination under the pretense of combating hate. It also discourages open discussions on important global issues, such as human rights abuses in Palestine.

4. The Chilling Effect on Advocacy

SB 297 creates an environment where lawful criticism of government policies, both domestic and foreign, is stifled. For instance, drawing parallels between the ongoing violence in Gaza and historical atrocities could be deemed antisemitic under this bill. This not only suppresses meaningful dialogue but also targets those advocating for justice and accountability. A democratic society thrives on robust debate; SB 297 undermines this foundation.