



February 17, 2026

Testimony in opposition to Senate Bill 87¹
Senate Judiciary Committee, Ohio Senate

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

I'm testifying in opposition to S.B. 87 on behalf of the Northwest Ohio Peace Coalition, Cleveland Peace Action, Students for Justice in Palestine (Toledo Chapter), People for Peace and Justice Sandusky County, CAIR Action and Veterans For Peace. Collectively, these groups are made up of hundreds of peace and social justice advocates from across northern Ohio who oppose the prospective incorporation of the International Holocaust Remembrance Alliance's working definition of "antisemitism"² ("IHRA definition") into Ohio statutory law.

The IHRA definition represents a distinct danger to free speech and academic freedom not just concerning the ongoing genocide and war crimes perpetrated against Palestinians, but because this foolish proposal is aimed at criminalizing legitimate political activism in Ohio.

The criminal use of the IHRA definition will felonies out of the act of speaking out against the political and military actions of the United States and Israel in conducting the mass murders and genocide of Palestinians in Gaza, and ethnic cleansing and murders of Palestinians in the West Bank. Police will investigate public gatherings opposed to the genocide and mass murder as crime scenes of "ethnic intimidation" and use the threat of prosecution to shut them down before they can even be held by treating them as potential riots with ethnic

1 Testimony uploaded on February 16, 2026 to https://ohiosenate.gov/committees/judiciary/meetings/cmte_s_judiciary_1_2026-02-18-0945_1049/upload-testimony

2 *Working Definition of Antisemitism*, IHRA, <https://holocaustremembrance.com/resources/working-definition-antisemitism>

intimidation motives.³ The IHRA will be invoked as a prior restraint, using the prosecution threat to stop seminars, lectures, documentary film screenings, formal debates and conversations everywhere for their “antisemitic” content. Antisemitism will be thought-policed in churches, on university campuses, in governmental offices, civic organizations and within political party caucuses – anywhere that there might be a negative word spoken about the U.S. and Israeli partnership of mass murder and illegal expulsions of Palestinians from their lands. The General Assembly will have transformed all mention of the daily gusher of arbitrary murders and punishments of Palestinians into a series of “antisemitic” crimes. Inserting thought policing into the public’s protected dialogue will not only make dissent impossible and invisible, it will provide bogus justifications to punish people by damaging their livelihoods, impairing their reputations and even jailing them for the “crime” of opposing atrocities committed right out in the open. Public dialogue will grind to a halt because of this legislature’s abusive vote to classify uncomfortable barbaric truths into “antisemitism.”

Many who are decidedly unsympathetic to the Palestinian cause oppose the IHRA definition. Professor Kenneth Stern, who created the definition and opposes its being made a legal requirement, testified to the U.S. Senate in 2025 that conservatives, including Jewish conservatives, have deep concerns that the IHRA definition will undermine the fight against genuine antisemitism.⁴ This array of political conservatives opposes the concept of legislating the IHRA definition:

- *Bret Stephens*: “Much as I hate antisemitism, I also don’t think laws against ‘hate speech,’ including against my own group, should be in federal legislation.”⁵
- *Batya Ungar Sargon*: “This country was literally founded on the idea that there should be no government reprisals for speech, including hate speech. . . . I know this view isn’t going to be popular, but to be an American is to believe that if you can’t win by convincing enough people, you don’t deserve to win.”⁶
- *Christopher Rufo and Jenin Younes*: “The second problem with the Antisemitism Awareness Act, especially for conservatives and civil libertarians, is that it operates using the same coercive and corrosive principles as DEI. The legislation codifies an ideologically charged definition of antisemitism into law, provides special protections based on group identity, and expands anti-discrimination enforcement to include constitutionally protected speech.”⁷

3 Ohio’s criminal statutes define a riot as five or more persons who come together to commit a crime in a public space. See O.R.C. § 2917.03(A).

4 Kenneth S. Stern, *A Bad Deal: By Adopting the IHRA Definition of Antisemitism, Universities are Sacrificing Academic Freedom*, 25-19 Knight First Amend. Inst. (Sept. 5, 2025), <https://knightcolumbia.org/content/a-bad-deal-why-using-the-ihra-definition-of-antisemitism-on-campus-is-incompatible-with-academic-freedom-and-students-right-to-open-inquiry> [https://perma.cc/V2GT-8888]

5 Gail Collins & Bret Stephens, *Opinion, Hold On to Your Hats, America*, N.Y. TIMES (May 13, 2024).

6 Batya Ungar-Sargon (@bungarsargon), X (May 1, 2024, 7:37 p.m.).

7 Christopher F. Rufo & Jenin Younes, *Don’t Expand DEI. Dismantle It.*, FREE PRESS (May 3, 2024), <https://www.thefp.com/p/dont-expand-dei-dismantle-it>

- *The Cato Institute*: “The problem is that the definition includes all kinds of speech, most of which is not inherently threatening. Government punishment for such speech would be a fundamental violation of First Amendment rights.”⁸
- *The Federalist*: “Republicans in Congress are pushing legislation that would formally adopt the International Holocaust Remembrance Alliance’s (IHRA) definition of antisemitism as a basis for prosecuting federal antidiscrimination statutes — a move that critics such as Wyoming Rep. Harriet Hageman say ‘provides no actual relief for terrorized Jewish students and infringes on the First Amendment to the U.S. Constitution.’”⁹
- *Tablet Magazine*: The freedom and successes that Jews have enjoyed in America have been due to the protections afforded by our Constitution, and the respect for individual rights that became part of our culture. The most legitimate tax we owe —to each other, to our fellow citizens, and to those who fought for our right as Americans to say whatever the fuck we want—is the work we are asked to put in, day in and day out, to protect that freedom.”¹⁰
- *Representative Marjorie Taylor Greene* voted against the proposed Antisemitism Awareness Act, which would require the Department of Education to use the IHRA definition when enforcing anti-discrimination laws, because it referenced the IHRA definition’s inclusion of dei-cide as an example of antisemitism. She claimed that the IHRA definition could make it illegal for Christians to assert that Jews killed Jesus and would punish them for “believing the Gospel.”¹¹
- *U.S. Senator Roger Marshall* also had concerns about this part of the definition and indicated that he’d offer an amendment to strike this reference.¹²

Representative Green and Senator Marshall have exposed the true purpose of the IHRA definition, of course. It is to make specific words illegal to say, which is not allowed by the First Amendment to the U.S. Constitution and Article I, Section 11 of the Ohio Constitution.

8 Neal McCluskey, *Feds Should Leave Campus Unrest to Others*, CATO INST. BLOG (May 3, 2024, 1:00 PM), <https://www.cato.org/blog/feds-should-leave-campus-unrest-others>

9 Brianna Lyman, *Republicans’ ‘Antisemitism’ Bill Merely Gives Feds More Power To Trample Free Speech*, FEDERALIST (May 2, 2024), <https://thefederalist.com/2024/05/02/republicans-antisemitism-bill-merely-gives-feds-more-power-to-trample-free-speech/>

10 Tablet Magazine Editors, *Not in Our Name*, TABLET MAG. (May 3, 2024), <https://www.tabletmag.com/sections/news/articles/not-in-our-name>

11 Cy Neff, *Why Rep. Marjorie Taylor Greene Says She Voted Against the Antisemitism Awareness Act*, USA TODAY (May 2, 2024, 1:13 PM), <https://www.usatoday.com/story/news/politics/elections/2024/05/02/mtg-votes-against-antisemitism-awareness-act-antisemitic-trope/73539622007/>

12 Daniel Desrochers, *KS Sen. Roger Marshall Says Antisemitism Bill Goes Too Far, Violates Christian Scripture*, KAN. CITY STAR (May 2, 2024, 5:31 PM), https://www.yahoo.com/news/ks-sen-roger-marshall-says-213130164.html?fr=sycsrp_catchall

Even the sponsor of S.B. 87 cynically admits that the IHRA is unconstitutional. Its disclaimer says the IHRA definition does not outweigh the U.S. or Ohio constitutions. Then why pass this law? Because the IHRA definition is cynical speech policing aimed at scaring dissenters. The police who enforce it will not be constitutional scholars; they will most likely just arrest everybody for ethnic intimidation and let the courts sort it out. Policing unwelcome words is illegal and mocks those who respect the law.

Since the IHRA definition was first introduced three years ago, a shocking genocide has come to pass in Gaza, and from 72,000 to several hundred thousand Palestinians have died,¹³ The Israeli military calculates that 83% of the Gazans shot, bombed with TNT, vaporized by thermobaric weapons, and killed by falling rubble, are innocent civilians.¹⁴ In February 2026, the act of legislating IHRA censorship to camouflage the criminality of U.S. and Israeli policy not only violates constitutional speech protections, it removes flagrant ongoing U.S. and Israeli war crimes from criticism. A vote for the IHRA definition is a vote to protect atrocity. It is a vote for dishonesty. It is a vote against accountability.

There's a longstanding joke in my Baby Boomer generation that everyone, it turns out, was at Woodstock in 1969, because no one will admit that they weren't cool enough to have been present during that defining moment.

The joke circulating about your generations isn't so funny. They're saying that one day, everyone will have been against this. That those who propped up the mass murder, misery and ethnic cleansing of Palestine, when asked by their children and grandchildren what they did to stop it, will lie and insist they were nowhere near the levers of power that caused the final solution – this genocide -- taking place before our eyes. They will insist that they played no part in causing innocent people to be charged with crimes to avoid genocidal truth; that they didn't damage reputations and careers; that they didn't try to censor history or aid and abet the

13 Michael Spagat *et al.*, "Violent and Nonviolent Death Tolls for the Gaza War: New Primary Evidence", medRxiv (2025), <https://doi.org/10.1101/2025.06.19.25329797>; Rasha Khatib *et al.*, "Counting the Dead in Gaza: Difficult but Essential," *The Lancet* 404, no. 10449 (2024), [https://doi.org/10.1016/S0140-6736\(24\)01169-3](https://doi.org/10.1016/S0140-6736(24)01169-3) (186,000 deaths by July 2024 "plausible"); Zeina Jamaluddine *et al.*, "Traumatic Injury Mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: a Capture-Recapture Analysis." *The Lancet* 405, no. 10477 (2025), [https://doi.org/10.1016/S0140-6736\(24\)02678-3](https://doi.org/10.1016/S0140-6736(24)02678-3) (over 70,000 violent deaths in Gaza as of October 2024); Haaretz, "100,000 Dead: What We Know About Gaza's True Death Toll," (June 26, 2025), <https://www.haaretz.com/israel-news/2025-06-26/ty-article-magazine/.highlight/100-000-dead-what-we-know-about-gazas-true-death-toll/00000197-ad6b-d6b3-abf7-edfbb1e20000?gift=7bdfd527cf824b04832d1dd0c242d0ee> (probably 100,000 dead from violence in Gaza by June 2025); Ralph Nader, "The Vast Gaza Death Undercount– Undermines Civic, Diplomatic and Political Pressures," <https://nader.org/2025/03/28/the-vast-gaza-death-undercount-undermines-civic-diplomatic-and-political=pressures/> ("The actual toll from violent military action and the indirect deaths (stemming from infectious disease, epidemics, untreated chronic illness, untreated serious wounds, and starvation) is well over 400,000 and growing by the day.").

14 972 Magazine, *Israeli army database suggests at least 83% of Gaza dead were civilians*, <https://www.972mag.com/israeli-intelligence-database-83-percent-civilians-militants>

scoundrels who imposed the most intensive bombings and rubblization of cities in all of human history. One day, everyone will have been against the atrocities happening in plain sight.

If you vote for S.B. 87, please be honest enough to admit that you intended to destroy the freedom of expression and the right to hold dialogue that makes our country unique. We'd rather, instead, that you repudiate the IHRA definition and uphold our right to be free of punishment in our public dialogue. Thank you.

Sincerely,

/s/ Terry J. Lodge

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