

Proponent Testimony: HB 504 – Sacred Spaces Act
Ohio Senate | Judiciary Committee
November 15, 2022 | Columbus, OH

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee:

Introduction

Ohio Jewish Communities is the statewide government advocacy, public affairs, and community outreach voice of Ohio's eight Jewish federations and their some 150 member agencies providing cradle-to-grave social services and meeting vital human needs of Ohioans of all faiths – and of none – each day, all across Ohio. We submit this testimony on their behalf.

In May of this year, Governor DeWine hosted the Governor's 42nd Annual Holocaust Commemoration at the Nancy & David Wolf Holocaust & Humanity Center in Cincinnati as well as online over Zoom. In the middle of this solemn event, with participation from the Governor, Veterans Services Director General Ashenhurst, President Huffman and Speaker Cupp as well as Holocaust survivors and World War II liberators, someone hacked in. They began saying the most horrific things in the chat.

Now imagine instead of that being at a government commemoration it was on a Sabbath or a holiday during services. Imagine it was during a lifecycle event like a wedding or funeral, a circumcision or a baptism.

This legislation, HB 504 says, simply, that such a disruption of a religious service, should be treated as what is: a crime.

Background and Statement of Interest

We are grateful to both Representative Johnson and former Representative Carfagna for leading on this issue and championing this legislation. Mr. Carfagna already has an enviable legislative legacy, but this effort exemplifies his tenure here. As well, we know that Attorney General Yost and his team have been actively engaged in crafting the current draft, and we are grateful to him as well.

As you know, the bill has 67 cosponsors, including Speaker Cupp, and it was reported out of committee in the House 13-0 and subsequently passed the House 95-1. That the cosponsors and supporters of the bill are from both sides of the aisle proves something we at Ohio Jewish Communities believe deeply: on matters that matter, bipartisanship is always possible.

The foundations of the First Amendment, protecting the rights of religious minorities dates back at least to America's first president. In a now famous letter to the Jewish community of Newport, Rhode Island, President George Washington wrote:

“The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of,

as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection

should demean themselves as good citizens, in giving it on all occasions their effectual support.¹”

Sadly, we know today that the spirit of President Washington’s letter is being challenged. We have seen terrorist attacks on houses of worship. And we have seen the kind of harassment this bill is focused on preventing. This legislation aims to restore the true spirit of the Letter to Newport, and to fulfill the intent of the framers and founders when they crafted the First Amendment.

An international Issue Impacting Ohio

Disruption of a religious service in a violent manner is, undeniably, both a crime and a moral offense. It is, quite simply, un-American. But so too is nonviolent protest at a service when it is meant to intimidate, to strike fear, to impede freedom of worship, and to drive the religiously faithful away.

And that protest, that disruption can occur both in person, as well as online. The pandemic created an entirely new form of terror against religious minorities. It is called Zoom-bombing. I’m going to focus my remarks on that online and virtual harassment and not on the physical protests. Partly because you’re hearing today from the Attorney General’s office in support of this bill, but also because I think we can all agree that the need to stop physical disruption of a religious service is a given.

Zoom-bombing is an issue all over the world. It’s an issue in the United Kingdom², in South Africa³, and Canada⁴ as well as in states across our country including Alabama⁵, Colorado⁶,

¹ See From George Washington to the Hebrew Congregation in Newport, Rhode Island, 18 August 1790, <https://founders.archives.gov/documents/Washington/05-06-02-0135>

² Community Security Trust in the UK reported 16 incidents of Zoom bombing in 2021 and 19 in 2020. See: <https://www.dailymail.co.uk/news/article-10496125/Anti-semitic-abuse-hit-record-high-year-rising-2020-charity-revealed.html> and <https://www.israelnationalnews.com/news/315671> and <https://www.bbc.com/news/technology-52105209>

³ <https://www.sajr.co.za/zoombombing-takes-on-an-anti-semitic-twist/>

⁴ <https://www.friendsofsimonwiesenthalcenter.com/news/toronto-synagogue-targeted-in-antisemitic-zoombombing-attack>

⁵ <https://www.al.com/news/2020/09/alabama-jewish-prayer-service-zoombombed-with-anti-semitic-messages-hitler-images.html> and <https://www.montgomeryadvertiser.com/story/news/2020/09/15/alabama-jewish-community-zoom-call-hacked-spammed-anti-semitic-rhetoric/5798908002/>

⁶ <https://www.denverpost.com/2021/04/27/antisemitic-incidents-colorado-2020-anti-defamation-league-annual-report/>

Connecticut⁷, Florida⁸, Georgia⁹, Kentucky¹⁰, Massachusetts¹¹, Missouri¹², New Jersey¹³, New Mexico, New York¹⁴, Pennsylvania¹⁵, Texas¹⁶, and Virginia¹⁷, and even right here in Ohio. As early as April of 2020¹⁸, just a few weeks into the pandemic, the FBI was already warning about Zoom-bombing, and considers it a potentially violent crime¹⁹.

In Ohio, we know of synagogue zoom-bombings in Akron²⁰, Cincinnati²¹, Cleveland²², and Columbus²³. As well, a Jewish studies class by the Cleveland based Partners in Torah organization was also impacted²⁴. My colleague Jim Hartnett, who directs community-wide security for the Jewish Federation of Cleveland reports that during the pandemic he's been alerted by multiple Cleveland area synagogues to incidents of zoom-bombing. These

⁷ <https://www.nbcconnecticut.com/news/local/newington-temple-endures-anti-semitic-zoom-bomb-during-online-service/2302347/> and <https://www.courant.com/breaking-news/hc-br-zoombombers-west-hartford-synagogue-20201015-mz7htx726fc4fcd322tageyx-story.html>

⁸ <https://www.nbcmiami.com/news/local/zoombombing-the-latest-online-threat/2216323/>

⁹ <https://www.atlantajewishtimes.com/understanding-zoombombing/>

¹⁰ <https://www.courier-journal.com/story/news/local/2021/04/27/kentucky-sees-record-19-antisemitic-incidents-2020-audit-shows/7395757002/>

¹¹ <https://boston.cbslocal.com/2021/06/18/i-team-hate-crime-anti-semitic-zoombombing-funeral-school/>, <https://www.bostonherald.com/2021/04/27/anti-semitic-incidents-remain-at-historically-high-levels-rise-in-zoombombing-in-massachusetts-during-pandemic-report/>, and <https://www.nbcboston.com/news/local/fbi-warns-of-zoom-bombing-after-2-mass-schools-have-web-conferences-hijacked/2099692/>

¹² <https://stljewishlight.org/news/news-local/st-louis-jewish-groups-affected-by-zoombombing/> and https://www.komu.com/news/midmissourinews/local-jewish-organization-responds-to-rise-in-anti-semitic-zoom-bombings/article_0519102e-a796-11eb-baff-d7a999500588.html

¹³ <https://www.northjersey.com/story/news/2021/04/28/antisemitism-nj-us-incidents-historic-highs-despite-covid/4854579001/> and <https://www.templemanuel.org/a-message-from-executive-director>

¹⁴ <https://midhudsonnews.com/2020/04/20/westchester-da-investigates-anti-semitic-zoom-bombing-of-jewish-religious-services/> and <https://theislandnow.com/featured/temple-beth-el-torah-study-zoom-event-hijacked-with-hate-speech-officials/>

¹⁵ https://wlvr.org/2020/06/allentown-synagogue-zoombombed-hackers-hurl-anti-semitic-and-racial-slurs/#.Yh9-Xt_MK5c and <https://apnews.com/article/health-bombings-race-and-ethnicity-religion-coronavirus-0ba3503646bbb707a37685a2e23d5cd8>

¹⁶ <https://www.fox4news.com/news/north-dallas-rabbi-was-leading-zoom-prayer-when-it-was-hijacked-and-filled-with-anti-semitic-speech>

¹⁷ <https://www.alxnow.com/2021/06/09/alexandria-police-investigate-zoom-bombing-of-jewish-synagogue-meeting/>

¹⁸ <https://www.cisa.gov/uscert/ncas/current-activity/2020/04/02/fbi-releases-guidance-defending-against-vtc-hijacking-and-zoom>

¹⁹ <https://www.wpxi.com/news/top-stories/fbi-issues-warning-about-zoom-bombing/C2OLF74FCRBMJLJTYRKASLJ3Y/>

²⁰ <https://www.wkyc.com/article/news/community/turning-point/pandemic-gives-rise-anti-semitic-zoom-bombing-attacks-in-ohio/95-cab5a4a4-4f23-4785-a0e1-3c0221f56761>

²¹ Personal communication from SAFE Cincinnati Director Mark Dowd, February 2022.

²² <https://www.wkyc.com/article/news/community/turning-point/pandemic-gives-rise-anti-semitic-zoom-bombing-attacks-in-ohio/95-cab5a4a4-4f23-4785-a0e1-3c0221f56761>

²³ https://www.clevelandjewishnews.com/news/local_news/zoombombers-disrupt-synagogue-events-in-ohio/article_e8fe1832-8ade-11ea-b37c-9beb212bd9e3.html

²⁴ https://www.clevelandjewishnews.com/news/local_news/partners-in-torah-class-victim-of-zoombombing/article_53e51f40-fc2e-11ea-9c6d-67c1e7d5f198.html

can – and have been - directed at online Jewish religious services, Jewish youth religious education programs, Sabbath services, and even funerals, shiva observances, and as we have seen, Holocaust remembrance events²⁵.

In several examples, the perpetrators interrupted rabbis using offensive memes and images to include pictures of Hitler, swastikas, concentration camp photos, pornographic images, and more. They yelled out comments like “Heil Hitler!”, “Death to Jews!”, and “F&*K Israel!”

Each time, Director Hartnett and his colleagues reported these incidents to the Cleveland FBI’s Hate Crimes Squad and to local law enforcement. The FBI always responded that they appreciated the referral and documented the incidents for their files, but did not feel they would be able to federally prosecute these disruptive, vile acts as a hate crime. Local law enforcement also said that unless there was a threat of bodily harm, they did not feel pursuing local charges would amount to anything due to the minimal penalties associated with prosecuting the perpetrators under current law.

Director Hartnett asks that I express to the committee his deepest concern that HB 504 needs to be passed and increase the penalties for disrupting religious services or this type of offensive activity will continue, unabated.

He wants this committee to know of the many Jewish community members who feel emotional distress over having antisemites target religious programs in this offensive manner. They feel doubly victimized since individuals engaged in this type of antisemitic behavior were able to target the Jewish community without fear of consequences based on the current laws in place.

My colleague Mark Dowd, who directs the SAFE Cincinnati program at the Jewish Federation of Cincinnati, relayed to me the following from the leadership of the Isaac M. Wise Temple, which as you may know is one of the largest and most prominent Reform Jewish synagogues in the world:

Sally Harding Schott, their executive director, reports that Wise Temple spends hundreds of thousands of dollars on security but before zoom-bombing, their security concerns were largely related to hardware implementation and security personnel. Now, they also have to carefully regulate who receives Zoom links and modify registration practices to differentiate between congregants and guests so that they can easily disseminate or withhold zoom links. They even have to have more staff on hand for large zoom events to help with security so that the event “owner” can pay attention to the programming. In a time of constant programming pivots and new processes (first totally virtual, now almost totally hybrid) “each additional step we have to take is exhausting. It takes time and energy away from serving our congregation.”

Like the comments from Director Hartnett in Cleveland, the Wise Temple asked that I share the following: “While it may not seem like a “big deal” to some, we have events with young children; virtual shivas with grieving families; celebrations with families. To expose any of them to antisemitic, sexual, or other offensive conduct would cause trauma and added stress in an already stressful world. Our congregation seeks to enhance the lives of our congregants, and with each issue like zoom-bombing that gets harder and harder.”

²⁵ <https://jewishjournal.com/news/worldwide/314652/second-holocaust-remembrance-day-zoombombed/>

Narrowly Tailored Remedy

This legislation is narrowly focused on protecting these inalienable constitutional rights to free worship. It fills a gap in state law and helps provide another tool for prosecutors while carefully balancing the other aspects of law and policy.

Some federal officials have said zoom-bombing and online harassment may be a federal crime²⁶, but as we have noted above, that's been hard to investigate and prosecute, at least here in Ohio.

A Broader Need and Opportunity

The General Assembly is well aware of the polarization across society. The bomb threats made to Historically Black Colleges and Universities (HBCUs) at the start of Black History Month is another recent example. The terrorist attack and hostage taking at Colleyville's Congregation Beth Israel is still on our mind.

There are other legislative efforts here at the Statehouse as well as in Congress focusing on protecting faith-based and cause focused nonprofits from hate-fueled violence. But what legislation like this will do, if enacted, also sends a powerful message of religious inclusion and accommodation that will be heard across Ohio, and truthfully, nationally. It will help to change the climate in our society by announcing "your beliefs are equally protected – and respected."

Favorable Action Requested and Next Steps

The Hebrew for synagogue is *Beis Knesses*, a house of assembly. Not a house of worship, but of assembly. Freedom to worship is dependent on being able to freely assemble. Whether "in real life" or online, that freedom is sacred. This bill truly protects Sacred Spaces.

We urge the committee to report this bill favorably and support its passage by the General Assembly. We know that there's limited time in this lame duck session. We can also think of almost no other legislation more worth the Senate's precious time. We are available to answer any questions you may have. Thank you again for this opportunity.

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²⁶ <https://www.theverge.com/2020/4/3/21207260/zoombombing-crime-zoom-video-conference-hacking-pranks-doj-fbi>