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Joint Standing Committee on Judiciary
Maine State Legislature

RE: LD 1351, "An Act to Require Antisemitism to Be Considered as Motivation When
Determining a Violation of a Criminal or Civil Law"

Dear Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee:

I am an attorney admitted to the Maine Bar and residing and practicing law in Portland. I write this morning with a sense of great urgency to express my strong opposition to LD 1351. ***Laws like this are extremely dangerous and have no place in a free and democratic country.*** The actual text of the IHR definition of "antisemitism" is vague to the point of meaninglessness ("Antisemitism is *a certain perception* of Jews..."). What this means in practice is that inevitably, the meaning of the term "antisemitism" in the context of a criminal prosecution or determination of a "violation of civil law" will be determined by whoever is prosecuting the case or making the determination. This is intolerable. Our laws must not be politicized in this way.

And how would a determination that someone is "motivated by antisemitism" even be made? Clearly, any examination of verbal or written statements by the individual in question would constitute a clear violation of the 1st Amendment to the United States Constitution, and Article 1, Sec. 4 of the Maine Constitution, both of which guarantee our God-given right to free speech.

Finally, I ask that you consider this: why does the term "antisemitism" even exist in the first place? Why are there no similar terms in widespread use denoting people's opinions of or beliefs about Mexican-Americans, Italian-Americans, German-Americans, Irish-Americans, Greek-Americans, Muslims, or Hindus? If a determination of whether someone has committed a crime or other violation of law may be based in part on the person's "perception of Jews", why shouldn't the determination also be based in part on the person's "perception" of any other demographic group?

I urge you to unanimously vote "ought not to pass" on this terribly misguided and dangerous bill. Thank you for your consideration.

Sincerely,

David E. Bauer

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