

Paul Cunningham
SOUTH PORTLAND
LD 1351

Dear Committee Members-

While I oppose all forms of discrimination and violence, I am writing in opposition to LD 1351. Promoting the use of the definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) is nothing but an attempt to criminalize criticism of Israeli government policy. The right to such criticism is guaranteed under the First Amendment of the US Constitution. Political speech is protected speech as long as there is no clear incitement to commit violence. In 1969 the US Supreme Court ruled, in *Brandenburg v. Ohio*, that the government can only punish speech that is “directed to inciting or producing imminent lawless action and is likely to incite or produce such action”.

Furthermore, equating criticism of Israel with antisemitism is a false narrative being perpetuated in the attempt to silence recent, highly visible dissent on college and university campuses and among the general public. This narrative is a myth which is incredibly easy to disprove. Millions of Jews worldwide, including holocaust survivors, family of holocaust survivors, Jews that grew up in Zionist households, pious Jews, Orthodox Jews, Rabbis, non-observant Jews, even many Israelis, oppose the treatment of Palestinians at the hands of the Israeli government.

Call them antisemitic. You cannot.

Additionally, a considerable portion of those organizing and protesting against US and Israeli policy are Jews. Jewish Voice for Peace and other Jewish organizations have been at the forefront of challenging the current atrocities in Gaza and Israeli policy years previous. Jewish Voice for Peace have been part of the leadership behind actions on campuses and in Washington D.C.

Back in July of 2024, Jews effectively shut down the US Capitol in advance of Israeli Prime Minister Netanyahu's address to Congress:

https://www.democracynow.org/2024/7/24/headlines/400_jewish_protesters_arrested_in_us_capitol_demanding_us_end_support_to_israel

Just yesterday, for Passover, Jews in NYC protested over domestic policies aimed at silencing speech. LD 1351 would dovetail nicely with the push to criminalize support for Palestinian rights:

https://www.democracynow.org/2025/4/15/jewish_voice_for_peace_passover_protest

You may wish to refer to the Jewish Voice for Peace website for their view on legislation like LD 1351.

Consider this brief interview with U.S. Representative Jerry Nadler from New York. While Nadler is Jewish, a long-time advocate for Israel, and a self-described Zionist, he opposes the IHRA definition of antisemitism. An excerpt reads:

"Nadler said that the definition was being used to clamp down on legitimate criticism of Israeli government actions. “The problem with the IHRA definition is that it leads to the conflation of anti-Israel expressions with antisemitism. You can be anti-Israel, and not antisemitic.”

Nadler has been on his own journey on this issue. In 2018, he was a sponsor of the Antisemitism Awareness Act, which requires the IHRA definition to be used in all federal investigations into claims of antisemitism on campus.

In recent years, however, Nadler has become a firm opponent of the legislation, on grounds that it would effectively ban anti-Israel sentiment on US campuses. Asked why he had a change of mind, he said: “I was wrong in 2018 – it was a mistake”.

Nadler had a message for those of his colleagues who continue to back the bill. He said their actions were “dangerous to the first amendment”.

<https://www.theguardian.com/us-news/2025/apr/05/jerry-nadler-trump-antisemitism>

As I stated initially, I oppose all discrimination and violence. I therefore abhor any

violence aimed at Jews, any ethnicity, nationality, religious affiliation, skin color, sexual or gender orientation, real or perceived. I am aware that antisemitism is on the rise in the USA, as is hatred and violence toward Muslims, people of color, Latinos, women, the homeless, and gay and trans people. All deserve protection. Maine has hate crimes laws. I hope the laws are equally and adequately applied for any and all victims of hate.

LD 1351 ought not to pass.

Thank you for your consideration,
Paul Cunningham
South Portland