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***Testimony of Representative Laurie Osher in opposition to
LD 1351, An Act to Require Antisemitism to Be Considered as Motivation
When Determining a Violation of a Criminal or Civil Law
Before the Joint Standing Committee on Judiciary***

Good morning, Senator Carney, Representative Kuhn, and members of the Judiciary Committee. I am Laurie Osher and I represent District 25, the majority of Orono. Thank you for the opportunity to testify in opposition to LD 1351, An Act to Require Antisemitism to Be Considered as Motivation When Determining a Violation of a Criminal or Civil Law

The bill proposes to put a definition of antisemitism into law that is the same as the definition of antisemitism adopted by the International Holocaust Remembrance Alliance Plenary in Bucharest, Romania on May 26, 2016.

The IHRA definition consists of a four-line description as follows: “Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

It goes on to provide 11 contemporary examples of anti-Semitism to illustrate its application. Seven of those examples deal with the State of Israel, and it is a few of those examples that pose the significant problem with this legislation: Criticisms of Israeli policies are considered to be anti-Semitism.

I am a Jew, and I am one of the many Jews who are concerned about the use of this definition of anti-Semitism being put into Maine law.

Of course, as a Jew, I am displeased by antisemitism. I’ve experienced it. I don’t condone it. I wish it would go away. But this bill won’t make it go away.

Antisemitism comes in many forms. Some forms of antisemitism are merely irritating, other types are frightening, others undermine our livelihood or are destructive of our property, and other forms are homicidal. But the portions of this definition that define speech against Israel as anti-Semitism are frightening in a very different way.

I’m a Jew, and I regularly criticize Israeli policy. I’m not alone. Israel’s policies are often criticized by American Jews, Israeli Jews, Israeli scholars, and on campuses (here and around the

US), by Jewish students and faculty. Such criticism is free speech, and this bill proposes to define that particular type of speech as a factor in determining violations of the Maine Human Rights Act – or, importantly, *any criminal or civil law*, an incredibly broad statement.

Where this definition has gone into law in other places, it has been used to stifle dissent on college and university campuses and as a tool to curb academic freedom.

The non-profit Middle East Studies Association says that this type of legislation “endangers the constitutionally protected right to freedom of speech as well as academic freedom at this country’s institutions of higher education.”

Codifying this vague and broad definition of anti-Semitism will enable the clamping down and or elimination of scholarly and public discussion of international affairs and current events on our campuses, workplaces, and wherever conversations may occur. Students in other states who have spoken out or written opinion pieces criticizing Israel have been deported. That’s not democracy, and we shouldn’t be passing laws that would facilitate that happening here in Maine.

Freedom of speech is guaranteed by the First Amendment. The right to free speech should not be abridged.

I urge you to vote Ought Not to Pass on LD 1351.