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LD 1351

Dear Judiciary Committee,

I am submitting this testimony in opposition to LD 135. Below is my rationale for such opposition.

The IHRA definition of antisemitism is a non-legally binding working definition, developed as a tool for monitoring anti-Semitic incidents worldwide. Its stated purpose is to increase “Holocaust education, remembrance and research”. It was never intended to serve as a legal framework for institutions or governments. Most dangerously, it conflates criticism of the state of Israel and Zionism with antisemitism.

7 of the 11 “contemporary examples of antisemitism” in the IHRA definition involve criticism of the state of Israel, and not the Jewish people. The definition was established as a guideline, not an enforceable law. Defining antisemitism so broadly and vaguely will have chilling effects on free speech, scholarship and public dialogue around international affairs and current events.

In a letter from April 2023, 60 humanitarian and civil rights organisations including Human Rights Watch (HRW), American Civil Liberties Union (ACLU), Israeli rights group B’Tselem, and the Palestinian Centre for Human Rights (PCHR), appealed to the UN to not use the IHRA definition in its action plan against antisemitism and subsequent activities.

Adoption of this definition by governments and institutions has been framed as a way to combat antisemitism. In practice, however, the IHRA definition has often been used to wrongly label criticism of Israel - a state - as antisemitic. Contrary to combating genuine antisemitism, it has the effect of suppressing, non-violent protest, activism and speech that's critical of Israel and/or Zionism. The definition has historically been used to target professors, students, grassroots organisations, human rights groups, and even members of the US Congress, who either document or criticize Israeli policies or human rights violations.

Many leading antisemitism experts, and scholars of Jewish studies and the Holocaust, as well as free speech and anti-racism experts, challenge the definition, arguing that it restricts legitimate criticism of Israel and undermines the fight against antisemitism. Even Ken Stern, the main drafter of the IHRA definition, recently reiterated his concerns about institutions adopting the IHRA definition stating concerns that it's “a blunt instrument to label anyone an antisemite.”

Under IHRA language the recent Senate Resolutions of disapproval for 8.8 billion dollars of US/Maine taxpayer weapons to Israel that was drafted and supported by Sen. Bernie Sanders, who identifies as Jewish, could have been considered a violation of IHRA and acts of antisemitism. because they were critical of the government and military of Israel. Senator Angus King voted in support of these resolutions last week. Under IHRA Senator King's recent votes in support of Sen. Sander's resolutions could be considered violations and acts of antisemitism. This does not make sense.

The first amendment of the US Constitution allows people to express views which critique and criticize the actions of others. Certainly, the government and military of Israel should not be given a pass on such critiques and criticisms. Look at the newspapers of Israel such as Haaretz. They are full of analysis and criticisms of Israel's government and military. The people of Israel don't consider this antisemitic, yet the Israeli government reportedly doesn't like it and may even attempt to suppress some of it.

Many prominent people, who identify as Jewish, such as Naomi Klein, Medea Benjamin of Code Pink, and leaders of Jewish Voice for Peace are prominent critics of the government and military of Israel for their treatment of the Palestinian people. Under the IHRA language their speech could be considered violations and acts of

antisemitism. This is the furthest from the truth and makes no rational sense.
We urge the committee to oppose and reject this proposal.
Thank you.