Dear Chairman Beard and members of the Senate Education Committee,

I submit this testimony as a private, concerned citizen of North Dakota.

I am writing in strong opposition to HB 1527. I detail my reasoning below, but the short version is the bill uses a fatally flawed definition of antisemitism, one that is not about antisemitism at all, but about suppressing political speech. That is a violation of the First Amendment of the U.S. Constitution and has no place in North Dakota law.

I imagine you will expect little opposition to a bill that advocates Holocaust education in K12. I myself have mixed feelings about such a bill, but not because I don't want everyone to know about and understand the Holocaust. This terrible period of history left a mark in the world that reverberates to this day, and an unhealed wound in the soul of every Jewish person. I speak as a Jewish person who was raised from an early age learning about the Holocaust. I am sure every Jewish person with a family history in Europe lost relatives to the horrors of the Holocaust. My mother's parents and my father's grandparents were immigrants to the United States from eastern Europe, who left in the late 19th or early 20th century to escape pogroms, ongoing antisemitism and limited opportunities. Not every family member left, and some went to other parts of Europe. Although my direct ancestors were in the U.S. prior to the 1930s, other family members were almost certainly victims of the Nazis and their allies.

Why, then, would I oppose this bill? A lot of states have similar laws, most likely for the same reason that one was introduced into this legislative session. My opposition is not primarily because of the mandate for Holocaust education. It is because the revised bill contains a **fatal flaw**. It would place into Century Code a definition of antisemitism that is wrong and that has already done great harm. That flaw is the adoption of the IHRA (International Holocaust Remembrance Alliance) definition of antisemitism. The original bill used a reasonable definition:

> Section 1.1.a. "Antisemitism" means a certain perception of Jews, which may be expressed as hatred towards Jews, and may be physically or rhetorically towards individuals, property, community institutions, and religious facilities.

I take antisemitism very seriously. I have personally experienced antisemitism up close and personal in my life and this definition is a good approximation of the forms it took – physically and rhetorically. Most of this happened over a period of years before I graduated from high school. I still hesitate to publicly identify as a Jewish person because of those experiences, which embarrasses me to admit.

If the bill had retained this definition of antisemitism I would not be testifying in opposition. The problem is that the bill sponsors switched their definition to the IHRA definition,

apparently at the request of testimony supplied by a lobbyist for the state of Israel, a Mr. Jake Bennett who identified himself as the Director of Policy and Legislative Affairs for an organization called Israeli-American Coalition for Action. This group "advocates to policymakers nationwide on behalf of pro-Israel communities" (from their website). Specifically, they "Fight the delegitimization of Israel" among other goals. This explains why they and similar organizations want the United States Congress and the states to adopt the IHRA definition of antisemitism. The language in HB1527 is circumspect about what the definition really says. The latest version simply states:

> "Antisemitism" has the same meaning as the working definition of antisemitism adopted by the international holocaust remembrance alliance on May 26, 2016, including contemporary examples of antisemitism and incorporated by reference in presidential executive order number 13899, published on December 11, 2019."

In other words, HB1527 does not actually define antisemitism! Why not? Perhaps because the IHRA definition is much longer, or perhaps to avoid drawing attention to the controversial part of it. The bill refers to a definition in an external document, which means many legislators won't even know what they are voting for. Most critically, **the IHRA definition is a vehicle, or Trojan Horse, for putting limits on free speech, specifically *political* speech into law.** The biggest difference between the current version of the bill and the original is the expansion of the definition of antisemitism to include criticism of the state of Israel (under the section labeled "Contemporary Examples of Anti-Semitism). Here is the text of the IHRA definition, as referenced in the Executive Order:

> E.O. 13899 (2019)
>
> (i) the non-legally binding working definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), which states, "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; and (ii) the "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory intent.

I have never before seen a reference to non-Jewish individuals being subject to antisemitism, but that is not the most troubling part. Part (ii) has been used to take action against anyone critical of the actions of the state of Israel.

Why should Israel be protected under a definition of antisemitism? Israel is a U.S. ally and many of us have close relatives who are Israeli (myself included). But Israel is a state, not a

religion or ethnic group, however much Israeli law may insist that Israel must remain a Jewish nation. The implications of equating criticism of a state with antisemitism or hate speech, and putting that into law, is that critics of Israel of a purely political nature risk being accused of antisemitism, of violating Title VI of the Civil Rights Act of 1964, and potentially incurring criminal or civil penalty, including loss of employment, expulsion from universities, and deportation if they are legal residents of the U.S. but not citizens. ALL of these have already been happening, because of political speech that has been taken as antisemitism. **We must not perpetuate the falsehood that criticizing the state of Israel or its actions is antisemitic!**

Here are a few examples of reporting on this problem:

Groups across ideological spectrum unite in opposing Antisemitism Awareness Act The bill, which seeks to codify the IHRA definition of anti-Semitism into law, faces widespread criticism. [July 2024]
ACLU Urges Senate to Oppose Bill That Will Threaten Political Speech on College Campuses The bill would falsely equate criticism of Israel with antisemitic discrimination [Nov. 2024]

A lot of law-abiding U.S. citizens, including many Jews, are critical of Israel and its actions, especially in the last 17 months, but even before then. Adopting the IHRA definition would amount to weaponization of antisemitism to inhibit criticism of Israel, and that is wrong and it is unconstitutional (a clear violation of the First Amendment to the U.S. Constitution)!

This is the reason I am adamantly opposed to this bill. Take out the IHRA definition and go back to the definition used in the original bill, and I would not oppose the bill (my position would be neutral, simply because I don't think the bill is necessary or a useful way to direct education content).

Unless that happens, I urge you to vote NO on this harmful bill.

Respectfully,

Robert Newman
Citizen of North Dakota for 30 years