

IHRA Definition of Antisemitism Bill – Key Points

1. **Function of the Legislation:** Provides officials with an objective definition of contemporary antisemitism needed to ensure proper assessment of criminal and discriminatory incidents motivated by antisemitism.

2. **Policy Objective of the Legislation:** The bill adopts an objective definition of contemporary antisemitism in order to identify antisemitic crime, to: **(1)** clarify the application of already existing laws protecting against hate crimes and unlawful discrimination; **(2)** ensure that incidents of antisemitic hate and bias are treated equally under the law; **(3)** provide officials and institutions with proper definitional tools for assessing the intent of persons who engage in unlawful activity; **(4)** ensure that public institutions remain in compliance with federal civil rights obligations; **(5)** promote better bias crime reporting and tracking.

3. **Rationale for Support of the Legislation**

Crisis levels of antisemitism: In the 3 months between Oct. 7, 2023 and Jan. 7, 2024 there was an average of nearly 34 antisemitic incidents per day across the US. These [3,291 antisemitic incidents](#) include: 56 incidents of physical assault; 554 incidents of vandalism; 1,347 incidents of verbal or written harassment; and 1,307 rallies that included antisemitic rhetoric and expressions of support for terrorism against the state of Israel and/or Jews generally. On college campuses around the country, on the basis of their national origin ties to Israel, Jewish students and teachers have been blocked by Hamas-supporting protesters from accessing campus and facilities, had their First Amendment rights suppressed, been physically assaulted, and suffered from intimidation, harassment and incitement to violence. The number of [assaults on Jews](#) on U.S. college campuses rose from 3 the 2022-2023 school year to 77 in the 2023-2024 school year.

Perpetrators of unlawful acts of antisemitic crime and discrimination often try to escape culpability by claiming that they were merely expressing ‘anti-Israel’ sentiment by attacking Jewish institutions, individuals, or points of Jewish collective identity, and that this is ‘political’, and therefore protected, speech. Criminal acts and unlawful discrimination, however, are never protected speech. Antisemitic crimes and discrimination risk going unaddressed and underreported unless a definition is adopted that identifies the ways in which Jews are victimized by contemporary antisemitism. Authorities must be given the definitional tools needed to stem criminal conduct and discriminatory behavior motivated by antisemitism. Valid monitoring and enforcement, informed analysis and investigating, and effective policy-making start with uniform definitions.

4. **Broad Bipartisan and Community Support**

The bill codifies the [International Holocaust Remembrance Alliance \(IHRA\) Definition of Antisemitism](#) of May 26, 2016. This definition has already been adopted or endorsed by 33 states, four successive White House administrations, and is in force in 11 federal agencies. This bill brings state guidance in line with Federal policy. The IHRA definition has a mandate from the Jewish community nationally, as expressed in its endorsement by 51 of the 53 member organizations of the Conference of Presidents of Major Jewish Organizations, as well as by the overwhelming majority of synagogues, Jewish schools and local Jewish organizations across the country.

5. **The Bill Protects Free Speech Rights**

This bill very narrowly addresses **crime** and **illegal discrimination**, which are not protected speech (see unanimous Supreme Court decision *Wisconsin v. Mitchell*). The bill explicitly states that “Nothing contained in this bill is to be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution.”

Contrary to opponents’ claims, this bill does not create a new law or protected class; it does not create a speech code; it does not infringe on First Amendment rights; it is *not* about protecting Israel from criticism, and *does not* criminalize criticism of Israel. The bill *is* about protecting local residents from antisemitic crime and unlawful discrimination. The IHRA definition *does not* say that criticism of Israel is antisemitic. It *does* provide clarity on when anti-Israel speech can cross the line into antisemitism, and provides a definition for evaluating possible antisemitic **intent** behind related **crimes or unlawful discrimination**.