



NATIONAL COALITION AGAINST CENSORSHIP

September 16, 2022

RE: Oppose County Resolution to “Define and Address Antisemitism”

Dear Montgomery County Councilmembers and County Executive Elrich:

As civil liberties organizations, we are writing to express our strong opposition to your proposed resolution which intends to adopt the working definition of antisemitism used by the International Holocaust Remembrance Alliance (IHRA) along with its 11 contemporary examples. Anti-Semitism is a reprehensible form of bigotry, however, several of the examples attached to the IHRA definition **incorrectly equate constitutionally-protected criticism of Israel with anti-Semitism, effectively chilling free speech.**

The First Amendment squarely protects political speech, including criticism of any government, even Israel. No one should be censored for criticizing our own, or any other government. In America, we battle ideas we disagree with by championing better ideas, not by criminalizing or censoring speech.

The use of the IHRA definition, which relies on 11 contemporary examples, has been roundly criticized by civil liberties, human rights, and press freedom groups. When the Trump Administration issued an executive order in 2019 that allows the Department of Education to use the IHRA definition to censor free speech about Palestine on college campuses, there was intense criticism by a number of national human rights and civil liberties groups, including [ADC](#), [the ACLU](#), Center for Constitutional Rights, and [the American Association of University Professors](#). Editorial boards of leading newspapers like [The New York Times](#), [The Los Angeles Times](#), and [The Washington Post](#) also criticized attempts to incorporate the IHRA's definition into law and government policy.

The IHRA definition is not viewpoint neutral, infringes on constitutionally protected speech, and is designed to censor Palestinian and human rights advocates.

The resolution adopting this definition may potentially chill and censor speech that strikes at the heart of public education and the nation's democratic institutions. Some potential applications could include:

- **Academic Institutions** – It could create dangerous confusion about what teachers, staff and students are allowed to say and study in school. It will limit teachers’ ability to give students the education and support they need, and rob students of the information, ideas, and instructional approaches that result in robust dialogue and analytical thinking. On college campuses, a [growing number](#) of [students](#) and teachers have been disciplined or [threatened](#) with discipline for engaging in actions in support of Palestinian rights or in opposition to Israeli policies. Student groups like Students for Justice in Palestine have been sanctioned for legitimate [protests](#) and even [banned](#).
- **Justification for Censorship Tactics** – Across the country, there are other forms of censorship being proliferated ranging from Florida’s “Don’t Say Gay” initiative to multiple resolutions and legislation that ban the teaching of critical race theory. Passage of the Montgomery County resolution could be used as justification for their parallel attempts to censor viewpoints they disagree with.
- **Blacklisting of Organizations and Individuals** – Campaigns aimed at excluding critics of Israel from participating in public events are mounting, often with support of publicly funded institutions. A Chicago-area public library temporarily [cancelled](#) a talk about a book titled “The Battle for Justice in Palestine,” before reconsidering its decision. The Missouri History Museum [cancelled](#) a community event titled “From Ferguson to Ayotzinapa to Palestine,” after organizers refused to remove Palestinian panelists. It is important to note that [Montgomery County](#) was engaged in the [blacklisting of the Council on American-Islamic Relations](#) from participation in a public event and, while the specifics were unclear, there were indications that it may have been attributed to CAIR’s position on the Israeli Occupation.

In 1943, Supreme Court Justice Robert H. Jackson wrote, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” In other words, the First Amendment stands as a bulwark against government attempts to suppress dissent.

These efforts to censor criticism of the Israeli government and advocacy for Palestinian rights do a disservice to the real problem of anti-Semitism in the United States. Addressing anti-Semitism is important and necessary, particularly in the current climate, but it does not require silencing constitutionally protected protest or expression.

We urge the Montgomery County Council to uphold your oath to defend and protect your citizen’s constitutional rights. We ask that you discontinue the pursuit of this dangerous resolution.

Signed,

Defending Rights and Dissent

The National Coalition Against Censorship