



Institute for the Elimination of Poverty & Genocide

HB 30: Manipulating Antisemitism to Suppress Advocacy for Palestine

In the name of advocating against discrimination, HB 30 redefines antisemitism in ways that violate the First Amendment right to free speech, equates antisemitism with anti-Zionism, and directly suppresses organizing related to exposing and preventing the human rights violations that the Palestinian people have been experiencing for decades.

What does the bill do?

HB 30 adopts a distorted definition of antisemitism¹ from International Holocaust Remembrance Alliance (IHRA)² that Georgia agencies, civil and criminal, would be forced to consider when enforcing any non-discrimination laws or regulations. The IHRA definition includes several contemporary examples of antisemitism. At least two of the examples include criticism of Israel— thereby falsely equating criticism of Israel with antisemitism. This bill will impact the enforcement of numerous statutes, including the Georgia Fair Employment Practices Act, Georgia Fair Housing Act, and Georgia Hate Crimes law.

- **Falsely equates antisemitism with anti-Zionism, effectively preventing critique of Israel**
- **Violates the First Amendment by stifling political discourse and suppressing speech**
- **Censors and restricts advocacy and organizing for Palestinian human rights**
- **Discriminates against political viewpoints**
- **Creates vague and broad parameters that can be interpreted to repress political action**
- **This bill does NOT add any new protections for Jewish people.**

The following pages break down the components and implications of HB 30. To advance to the next page, hover your mouse on the bottom of the document.

¹ <https://palestinelegal.org/distorted-definition>.

² <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.



Institute for the Elimination of Poverty & Genocide

This distorted definition of antisemitism violates the First Amendment by censoring advocacy for Palestinian liberation and stifling political discourse.

- The First Amendment protects freedom of speech including criticisms of Israel³ and boycotts⁴ such as the Boycott, Divestment, Sanctions (BDS) Movement.⁵
- HB 30 attempts to suppress the self-determination of Palestinian people and dissuade them from advocating for themselves. It is especially harmful to suppress speech advocating for Palestinian liberation during an ongoing genocide of Palestinian people in Gaza by the state of Israel.
- One of the IHRA contemporary examples of antisemitism states: *“Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a State of Israel is a racist endeavor.”*⁶
 - This definition would prevent legitimate political discourse and criticism of Israel as an apartheid state.⁷
- Another of the contemporary examples states: *“Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.”*
 - This bill would violate the First Amendment by resulting in viewpoint-based discrimination because only speech that criticizes Israel would be subject to greater scrutiny to determine whether the speaker had applied a “double standard” to Israel. Speech criticizing other governments would not trigger the same level of scrutiny. As a result, individuals who speak out about Israel’s human rights violations are more likely to be investigated or face adverse action than individuals who speak out about U.S. human rights violations.
- Weaponizing the term antisemitism to single out one country, Israel, in order to delegitimize a boycott campaign such as BDS to end Israeli military occupation and abuses toward Palestinians is the actual double standard. The IHRA definition applies a double standard to Israel by singling it out as the only country that cannot be criticized or boycotted for its human rights abuses.
 - The intent of the manipulated definition is to prevent protest. In a 2020 guide to further explain IHRA’s definition of antisemitism and its examples, Antisemitism Policy Trust

³ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829, 115 S. Ct. 2510, 2516, 132 L. Ed. 2d 700, 715, 1995 U.S. LEXIS 4461 (“The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction”); *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 96 (1972); *Connick v. Myers*, 461 U.S. 138, 145 (1983); *R.A.V. v. St. Paul*, 505 U.S. 377, 391 (1992); <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5ad7b4d470a6ad81ab1bb20c/1524085976920/FAQ+on+Definition+of+Antisemitism+4.18.18+.pdf>.

⁴ *Ark. Times LP v. Waldrip*, 988 F.3d 453, 467, 2021 U.S. App. LEXIS 4056, *24, 2021 WL 520658 (“Supporting or promoting boycotts of Israel is constitutionally protected under *Claiborne...*”); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982); <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/63920d39b7489a19a0c448b5/1670516025536/Right+to+Boycott+hard+copy+version.pdf>.

⁵ <https://bdsmovement.net/>.

⁶ <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

⁷ <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.



Institute for the Elimination of Poverty & Genocide

specified that the “double standard” example of antisemitism “can include the Boycott, Divestment and Sanctions campaign.”

- This definition leads to censorship of critique and attempts to suppress any conversation or demand by Palestinians and their allies for their liberation, including return to the land, which they themselves, their parents, and grandparents were expelled from.⁸
- Last year, Representative Carson, one of the sponsors of this bill, falsely equated support of Palestine with not supporting the Jewish people. Representative Carson stated: “because they support Palestine, they do not support Israel and the Jewish people.” This conflation of anti-Zionism and antisemitism is exactly the danger we face if the IHRA definition is codified.

The IHRA definition of antisemitism is used to suppress constitutionally protected speech, despite the sponsors’ and supporters’ claims to the contrary.

- While the bill includes an attempt to show legislative intent that HB 30 should not be construed to suppress legally protected speech—the truth remains that the IHRA definition has been weaponized to suppress speech protected by the First Amendment.
- In March 2022, a student government committee at Arizona State University cited IHRA, falsely claiming the university was required to adhere to the definition, in an attempt to prevent students from hosting a talk by Mohammed El-Kurd, a prominent Palestinian poet and journalist.⁹ The committee attempted to condition approval for the event on El-Kurd refraining from criticism of Israel, but approved the event after a warning from Palestine Legal that doing so would violate the First Amendment.
- In July 2022, criticism of Israel was used as a justification to deny Kenneth Roth, former head of Human Rights Watch, a fellowship with the Carr Center for Human Rights Policy at the Harvard Kennedy School. According to Professor Kathryn Sikkink, the denial was due to Human Rights Watch’s “anti-Israel bias,” apparently evidenced by its criticism of the Israeli state’s human rights abuses.¹⁰ However, as Roth explained, “Israel is one of 100 countries whose human rights record Human Rights Watch regularly addresses.”¹¹ Using similar logic, the IHRA definition prevents criticism of Israel and is used to chill protected speech and punish scholars, such as Kenneth Roth, who speak out against human rights abuses.
- In 2023, Bard College faced pressure to censor a course titled “Apartheid in Israel-Palestine,” designed and taught by Jewish American visiting faculty Nathan Thrall. The Israeli consul for public diplomacy in New York called on Bard to cancel the class for violating the IHRA definition.¹² Although Bard ultimately refused to drop the course, this exemplifies how the IHRA definition has been weaponized in an attempt to curtail academic freedom.

⁸ <https://www.theguardian.com/news/2020/nov/29/palestinian-rights-and-the-ihra-definition-of-antisemitism>.

⁹ <https://palestinelegal.org/news/2022/5/10/asu-students-overcome-ihra-roadblock-to-mohammed-el-kurd-event>.

¹⁰ <https://www.thenation.com/article/society/hrw-harvard-israel-kennedy-school/>.

¹¹ <https://www.theguardian.com/commentisfree/2023/jan/10/kenneth-roth-human-rights-watch-harvard-israel>.

¹² <https://www.theguardian.com/us-news/2023/nov/08/israeli-diplomat-bard-college-apartheid-debate>.



Institute for the Elimination of Poverty & Genocide

The IHRA definition has been criticized by scholars across the world.

- The sponsors of the bill have FALSELY claimed that the IHRA definition is widely accepted and supported by the Jewish Community.
 - In reality, over 40 major Jewish organizations worldwide have rejected IHRA.¹³
 - Hundreds of Jewish academics and scholars specializing in antisemitism, Jewish history, and Holocaust history, have publicly opposed it.¹⁴
 - The Reform movement, America's largest Jewish religious denomination, has agreed that IHRA should NOT be codified into law as it "would trigger potentially problematic punitive action to circumscribe speech."¹⁵
- Scholars have also criticized the definition and advocated against its adoption because it stifles free speech and censors criticism of Israel.¹⁶
- One of the leading drafters of IHRA definition, Kenneth Stern, has rescinded his support for the definition stating that "*despite a throw-away line in the legislation saying First Amendment rights are protected, their intent is clear: to have the state define a line where political speech about Israel is classified as anti-Semitic, and chilled if not suppressed.*"¹⁷ Stern goes on to say: "*Groups have used the definition as a weapon to say anti-Zionist expressions are inherently anti-Semitic and must be suppressed.*"¹⁸
- The American Association of University Professors (AAUP) condemned legislative attempts to codify IHRA, noting the bills "expand the definition of antisemitism to encompass political speech, with several discriminatory effects."¹⁹ The AAUP argued the "restrictions themselves discriminate on the basis of speech content and pedagogical viewpoint."

¹³ <https://www.jewishvoiceforpeace.org/2018/07/17/first-ever-40-jewish-groups-worldwide-oppose-equating-antisemitism-with-criticism-of-israel/#english>; <https://jcua-online.medium.com/jewish-council-on-urban-affairs-opposes-government-use-of-ihra-definition-of-antisemitism-94efdc4b54ce>.

¹⁴ <https://www.versobooks.com/blogs/news/4513-a-call-from-jewish-academics-to-french-mps>; https://www.dropbox.com/s/czj7y5cahe4ombq/Joint%20letter%20of%2056%20scholars%20to%20Facebook%20-%20Don%27t%20adopt%20IHRA%20definition%20of%20antisemitism.pdf?dl=0&fbclid=IwAR28q7UqrP_Uk6m64i4EW4NMTGO_ySGMcqSa-lThrtBwCm-XMw5ibtI6tb0.

¹⁵ <https://www.jta.org/2021/01/25/united-states/reform-movement-ihra-definition-of-anti-semitism-is-helpful-but-should-not-be-codified-into-law>.

¹⁶ <https://www.theguardian.com/commentisfree/2021/oct/30/if-we-endorse-the-ihra-definition-of-antisemitism-we-put-at-risk-australian-academic-freedom>; https://link.springer.com/epdf/10.1007/s11158-022-09553-4?sharing_token=PCKhIU1XzSSUdkqGjuDt8_e4RwlQNchNByi7wbcMAY5GIX-vTehaKOaIC18kgA0_q9iH4VPETnJQ2mg_iMpFSfQnbGl4MTTEBj0YOfY0uOZAMtB-KCT9deN-UZYdHY-7YuloOyz7B6N16-iCWb59udK9C7OmfoJGsnE1WiQLfg=; <https://www.ijvcana.org/canadian-association-of-university-teachers-says-no-to-academic-censorship-on-palestine/>;

<https://www.dropbox.com/s/czj7y5cahe4ombq/Joint%20letter%20of%2056%20scholars%20to%20Facebook%20-%20Don%27t%20adopt%20IHRA%20definition%20of%20antisemitism.pdf>; <https://palestinelegal.org/distorted-definition>.

¹⁷ https://www.postandcourier.com/s-c-anti-semitism-bill-isn-t-needed/article_f17d607e-29e5-11e7-b4a7-a35035f3dc38.html.

¹⁸ <https://www.middleeastmonitor.com/20201211-ihra-definition-of-anti-semitism-has-been-weaponised-warns-lead-drafter/>.

¹⁹ <https://www.aaup.org/report/legislative-threats-academic-freedom-redefinitions-antisemitism-and-racism>.



Institute for the Elimination of Poverty & Genocide

- In October 2022, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance called on states to “suspend the adoption and promotion of the [IHRA] working definition and the examples attached to it” noting that some “examples are being invoked and leveraged to suppress human rights and fundamental freedoms.”²⁰

This bill is unconstitutionally vague and overbroad.

- Language in the IHRA definition, such as the example regarding “double standards,” is vague and subject to interpretation. Codification of IHRA would force agency officials to determine whether speech applies a double standard, but it does not provide any guidance for such a decision.
 - For example, in a university setting, would a student or faculty member be required to criticize other governments as well before criticizing Israel? What type or how much criticism would be sufficient to avoid applying a double standard to Israel? Such vagueness means individuals will not have clear notice as to whether their protected speech could be interpreted as discrimination based on criticism of Israel.
- While the IHRA definition would curtail protected speech about Israel, it would provide no new legal protections for Jewish students or groups. There are a multitude of current laws and policies that already protect against unlawful acts on the basis of religion, race, and national origin.²¹ The definition would only provide a censorship tool to target protected speech.
- HB 30 applies to “any law or regulation that prohibits discrimination.” It is unclear from the language whether policies, such as the University System of Georgia Board of Regents Policy Manual, would fall under this umbrella. Such ambiguity means it will be difficult to determine which rules and policies are also impacted by the bill, if enacted.

²⁰ <https://www.ohchr.org/en/documents/thematic-reports/a77512-combating-glorification-nazism-neo-nazism-and-other-practices>.

²¹ GA Code § 45-19-29 (2022); GA Code § 8-3-202 (2022); GA Code § 17-10-17 (2022).