

**HB 521 - State Procurement - Commercial Nondiscrimination Policy -
Antisemitism (IHRA Definition)
Hearing before the House Health and Government Operations
Feb. 18, 2025
Position: OPPOSED (UNF)**

My name is Sahil Kochar. I am submitting this testimony in opposition to HB0521 for the inclusion of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism within State contracts. I firmly believe this will do more damage than good.

As a former Baltimore city schoolteacher, I have seen the instinctive need of oppressed populations to describe and examine the layers of oppression and marginalization they face. I have also seen the emotional harm and withdrawal that is caused when they are unjustly prevented from doing so. I worry that adopting the IHRA definition of antisemitism will have this effect, particularly for Arab-American Marylanders and their community organizations. For a community that has been so aggressively targeted for decades, limiting their ability to speak out or participate in state contracts regarding the way their families and communities are being targeted is antithetical to the values that I hold as a Marylander and a human being.

I fully support the State's policy of avoiding contracts with businesses that engage in discriminatory practices. I also commend the efforts of legislators and the community to address the rise in antisemitism, Islamophobia, racism, white nationalism, and other forms of hatred. However, the IHRA's definition of antisemitism is problematic, divisive, and controversial. It has often been used as a tool for censorship, wrongly equating criticism of the Israeli government with antisemitism. This definition leads to widespread self-censorship, negatively impacts freedom of speech, and hinders efforts to address the unjust treatment of Palestinians and others in the region.

The IHRA definition is overly broad and ambiguous, making it unsuitable for use in State procurement processes. This lack of precision can result in inconsistent enforcement and interpretation, leading to confusion and potential misuse, where actions or statements that are not truly antisemitic are mistakenly labeled as such.

At academic institutions, non-profits and well-meaning businesses across Maryland, the adoption of the IHRA definition within contracts could lead to self-censorship among concerned Marylanders who fear being accused of antisemitism for engaging in critical discussions about Israel and its policies.

I understand that the violation of such contractual provisions by way of voicing opposition to the Israeli state would lead to significant reputational harm and impact a vendor's ability to secure future contracts or funding from other sources. What's more, administrative penalties would likely be imposed, such as fines or other sanctions, causing undue economic hardship. I believe that such punitive actions against Maryland vendors misses the mark, and does nothing to fight hate or anti-semitism.

Israel is facing significant criticism for its policies and actions in the Palestinian territories, including the West Bank and Gaza Strip, as well as Lebanon and Syria. The United Nations has passed numerous resolutions condemning Israel's actions and critics rightfully argue that the expansion of settlements, military operations, and arbitrary detentions, use of force, and

restrictions on movement contribute to the suffering of Palestinians and violate international law.

An international arrest warrant was issued against Israeli Prime Minister Benjamin Netanyahu by the International Criminal Court (ICC) on November 21, 2024. The warrant accuses Netanyahu of war crimes and crimes against humanity committed in Gaza between October 2023 and May 2024. The specific charges include using starvation as a method of warfare and intentionally directing attacks against civilian populations. This warrant is significant as it marks the first time the ICC has issued an arrest warrant against the leader of a Western-backed democratic country for such crimes.

Like numerous human rights groups, international bodies, and everyday citizens, I believe that Israel is practicing apartheid, has committed acts of genocide, and is implementing policies that systematically discriminate against Palestinians and Israeli Arabs. Nobody who contributes to the economy of Maryland by way of a state contract should be penalized for voicing these same beliefs.

I support the fight against antisemitism, and I do not believe that this is the way to fight it. Our freedom and safety are interconnected, and genuine security and liberty for all communities cannot be attained through laws that suppress legitimate political expression and criticism.

As such, I urge Maryland lawmakers to reject the push for the IHRA definition's legislative adoption.

I respectfully urge this committee for an unfavorable report on HB0521.