

HB 521
Opposed (UNF)
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I would like to state my opposition to HB-521 which seeks to incorporate the IHRA definition of anti-Semitism into the Maryland State procurement process.

While it is legitimate to oppose anti-Semitism, the IHRA expands the definition to include criticism of Israel and Zionism in general. As a result the IHRA definition has become highly controversial and divisive due to its susceptibility to be politically weaponized to harm critics of Israel and human rights advocates.

As a former Middle East Intelligence Analyst, I am very aware of Israel's activities both current and over the past 60 years. I can state with complete objectivity and certainty that Israel's behavior and the Zionist project in general is worthy of scrutiny and very often criticism. I believe the IHRA definition is intended to stifle such criticism and objective discussion to the detriment of our national interest. As a nation who's most precious freedom is the freedom of speech, it is unacceptable to infringe upon that right to shield a foreign enterprise.

Specifically my opposition to HB-521 is based on the following:

1. The IHRA definition is vague and poorly defined:

To illustrate its application, the IHRA provides 11 "contemporary examples of anti-Semitism", seven of which deal with the State of Israel. These examples are vague and subject to a wide range of interpretation. The IHRA states that the "examples may serve as illustrations" (of anti-Semitism). The word "may" leaves room for a lot of interpretation and is simply a formula for misuse and frivolous litigation.

2. The IHRA definition is not universally accepted:

In response to recent UN deliberations on the IHRA definition, more than 120 scholars called on the world body to reject the definition, due to its "divisive and polarizing" effect. In addition, 60 human and civil rights organizations recommended against the use the IHRA definition. They stated that "The IHRA definition has often been used to wrongly label criticism of Israel as anti-Semitic and thus chill and sometimes suppress non-violent protest, activism and speech critical of Israel and/or Zionism." US-based Human Rights Watch (HRW), American Civil Liberties Union (ACLU), Israeli rights group B'Tselem, and the Palestinian Centre for Human Rights (PCHR) were among the signatories.

3. The IHRA definition is not logical:

In its broad sweep of labeling criticism of Israel or Zionism as anti-Semitic, the IHRA definition includes Jewish opponents of Zionism or Israel's policies. Some of the most strident voices against Israel's policies are Jewish groups who recognize that the Zionist enterprise does not represent their Judaic values. This includes such organizations as Jewish Voice for Peace and If Not Now. The IHRA definition could therefore accuse observant religious Jews of being anti-Semitic, thus punishing some of those for which it is supposed to protect.

In addition, it is not logical to shield a nation from criticism for its policies and behavior. It is fair to critique any country when their actions are perceived to exceed international norms. To say that criticism of Israel, no matter how harsh, is somehow "anti-Semitic" is the same as saying criticism of Russia is inherently anti-Slavic. It is not the people, who are criticized, but the decisions and behavior of those who rule.

4. Applying the IHRA definition to Maryland Procurement is unnecessary:

I am not aware of any instance where the State of Maryland has engaged with an anti-Semitic person or corporation. Proponents of HB-521 argue that; "Anti-Semitism is on the rise in the United States," and therefore action is necessary. However, it is primarily because they have expanded the definition of anti-Semitism to include criticism of Israel, that they can make that claim. Inserting the flawed IHRA definition into the State procurement process will not discourage anti-Semitism nor improve procurement. It will create confusion and unnecessary litigation. Current non-discrimination laws associated with State procurements are sufficient.

5. The IHRA definition of anti-Semitism Restricts freedom of Speech:

The IHRA's detrimental impact on Marylanders' freedom of speech is the most serious reason to reject HB-521. It seems quite apparent that discouraging criticism of Israel is a primary objective of the IHRA definition of anti-Semitism. International courts, non-governmental organizations, scholars, and journalists have expressed concern that Israel is committing war crimes, crimes against humanity, apartheid, ethnic cleansing and perhaps genocide. Israel's harsh reprisal to the people of Gaza should little doubt that there are grounds to accuse Israel of such crimes. As an American I bristle at the thought that I may be punished for expressing an opinion on such a serious matter. I know that many who many not agree with my opinion would still support my right to express it. It is so un-American to restrict, suppress or punish such legitimate speech, that I cannot comprehend how any well meaning legislator could support legislation.

I therefore strongly encourage the Health and Government Operations Committee and House of Delegates to reject HB-521.