

SB0709 (2025) Written Testimony
Sources attached as separate document

My name is Maxwell Guttman. I am a Jewish American with family in the state of Israel, have lived in Rockville most of my life, and was educated and became a Bar Mitzvah at B'nai Shalom of Olney. Before being disabled out of the ability to work by long COVID in 2021, I was a licensed public middle school teacher in Lawrence, Massachusetts, where my professional specialties included critical race theory (long before it became a buzzword), and disability and LGBTQ inclusion. This bill sits at the exact overlap of my professional expertise and lived experience.

SB0709 and HB1081 are being presented as an alliance and for the protection of Maryland's Jewish and Black communities. However, this bill will only endanger people of color — especially those who are Black — LGBTQ, disabled, immunocompromised, and elderly people across the state, while fanning the flames of genuine antisemitism even further.

First, this bill will dramatically exacerbate racial profiling. While there are exceptions for medical and religious need, true validation of those exceptions are not provided until trial; the determination of both the accusation of a threat and the legitimacy of a person's right to mask is decided in the heat of the moment solely by a police officer, not a medical professional nor religious community leader. Due to both conscious and unconscious bias, people of color, especially Black people, are already disproportionately treated as suspicious or aggressive for simply existing, and are likewise disproportionately targeted by police. I think of Sonya Massey, George Floyd, Brianna Taylor, Sandra Bland, Michael Brown, Trayvon Martin, Emmett Till. They were all deemed suspicious or threatening due to racial profiling and never made it to a trial, even without a mask ban. The last thing Maryland needs right now is more reason for people of color, especially Black, Latino and Arab people, to be profiled for their appearance.

Second, this bill will strongly deter all people from masking, especially people of color who are afraid of being profiled. This will put even more stress on our healthcare system and directly harm people of color, LGBTQ people, disabled people and low-income people the most. These demographics already face significant barriers to accessing healthcare, and for five years now, research has shown that Black, Latino, Native American, transgender and disabled people are disproportionately affected by severe COVID, long COVID and death by COVID. Data from Pew Research and YouGov has also shown consistently that people of color are significantly more likely than white people to mask in public spaces to protect their health and the health of their loved ones. And despite taking more precautions, communities of color are still being more often and more severely affected by COVID, highlighting just how deeply those medical disparities run. By deterring people from wearing masks, these communities will face even more harm from COVID, other airborne illnesses, and the ripple effects of an even further strained healthcare system.

Third, this bill will be widely misinterpreted in a way that further encourages targeting of those who mask. People will see that the headline that there was a mask ban and not read the fine print. This not only includes people who will use this to decide to not mask themselves, but those who will see other people masking and inherently believe that person is breaking the law — again, an issue that will far more often be used to wrongfully accuse Black and brown people. This will get people kicked out of

stores, denied public services, and interrogated by law enforcement for simply trying to protect their health. It will be their word against someone else's, and their and their loved ones' health at risk for it. And again, because people of color are both more likely to mask than white people and more likely to be deemed suspicious, this will further encourage targeting of people of color.

Fourth and finally, because I know that the catalyst for this bill is the mass protests regarding the State of Israel's treatment of Palestinians: as a Jewish person, I urge you to consider the vast, critical difference between protests against the Israeli government, and harassment/intimidation of Jewish people. Yes, both are happening more frequently, but they are not the exact same thing despite what the ADL, who is backing this bill, is saying; in fact, conflation of the former is encouraging the latter. Just as it is entirely possible to criticize and protest the governments of Iran or the United Arab Emirates for their human rights abuses in a way that is not Islamophobic, and without harassing Muslim people, it is entirely possible to criticize and protest the Israeli government, and hold them accountable for their human rights abuses — which have been well-documented by every major human rights organization in the world — in a way that is not antisemitic. The equation that “protesting Israel = protesting Jews” is to deny the rich history of Judaism that spans six thousand years and countries across the world, and to fan the flames of genuine antisemitism. When we tell people that the state of Israel is one and the same with all Jewish people, we send the message that if someone has an issue with the Israeli government, then vandalizing a synagogue or harassing a family wearing tzitzit and kippot is a legitimate way to voice their dissent, because if all Jewish people are the same thing as all the state of Israel, they can direct their grievances at any Jewish person; obviously, is not true, and encourages genuine antisemitism. If I have an issue with how Iran treats women or the UAE's contributions to war crimes in Sudan, I'm not going to vandalize a mosque or harass a person wearing hijab; I'm going to focus on protesting their governments and any of the collaborators in their actions. When we make the distinction between criticism of Israel and genuine antisemitism, we tell people if you have an issue with the state of Israel, you should be criticizing and protesting those responsible for the actions of the Israeli government — which can include the US's significant, direct contributions to those actions — because that single country and its government bodies are distinct entities separate from Judaism as a practice, and from everyday Jewish people. I truly beg this legislative body and the ADL to recognize that protesting human rights violations and war crimes at the hands of a government that happens to be led by Jewish people is not the same thing as protesting Jewish people ourselves. Our true safety as Jews will never come at the expense of oppressing others, and especially not through the criminalization of a tool created to protect peoples' health.

Masks are an absolutely critical tool of public health. We are currently in a “quademic” of COVID, RSV, norovirus, and flu, with flu levels the highest they have been in 15 years. All four of these viruses spread in the air, and between 1/3 and 1/2 of COVID cases are fully asymptomatic. And in the meantime, we are seeing an unprecedented dismantling of public health infrastructure under this new presidential administration. We should be encouraging people to mask to protect their health and the health of others, not discouraging, let alone criminalizing it.

I urge you to see this bill as an attack on groups that are already under immense attack, including the very Jewish and Black people that claims to protect. This bill does not unmask hatred; it only emboldens it toward communities that are already facing so much adversity, and puts public health at risk while doing so.