

May 2, 2024

United States Senate
Washington, DC 20510

Re: House approved H.R. 6090 – Antisemitism Awareness Act

Dear Senator:

On behalf of the SPLC Action Fund, we write to urge you to oppose the House-approved H.R. 6090, the Antisemitism Awareness Act, when it comes to the Senate floor. Title VI of the Civil Rights Act of 1964 currently prohibits antisemitic discrimination and harassment by institutions receiving federal funding. At a time of escalating concerns about antisemitism, adoption of this harmful and unnecessary legislation would increase division and polarization – and do nothing to meaningfully counter antisemitism.

The Antisemitism Awareness Act would mandate that the Department of Education consider the controversial International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, including its "contemporary examples," in Title VI anti-discrimination investigations. Although not legally binding, this definition includes examples that overlap with First Amendment-protected speech, thereby blurring the distinction between legitimate criticism of Israel's policies or government and antisemitism. This conflation raises serious concerns about potential restrictions on free speech and the broad application of antisemitism to political discourse.

Originally adopted by the State Department as a data collection training tool for diplomats abroad, the IHRA definition has been rightly criticized – including by Kenneth Stern, [one of its original authors](#) – as having the potential to chill protected political speech associated with the Israel-Palestinian conflict. Criticism of Israel – even harsh criticism – is not inherently antisemitic. Individuals can cross the line from legitimate political speech to antisemitism when they target and punish individual Jews.

or Jewish institutions for the actions of the Israeli government. However, political protests and the right to criticize government policies are essential components of our democracy – and should not be limited by political motivation or confined to a particular moment in time. For these and other overbreadth concerns, the American Bar Association House of Delegates rejected the use of the IHRA definition in adopting their very strong [February 2023 Midyear Meeting Resolution condemning antisemitism](#).

Most importantly, this legislation would do little to combat incidents of antisemitism as the Department of Education already has the authority it needs to investigate actions that target Jewish students. Since 2010, the Department of Education has determined that Title VI of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, or national origin by federally-funded programs, extends to students who experience discrimination or harassment based on their actual or perceived shared ancestry or ethnic characteristics – including Jews, Muslims, Sikhs, and others. In recent years, as concerns about antisemitism and Islamophobia have grown, the Department has made clear that it will use its authority to protect these students from discrimination. In fact, the [OCR website](#) currently includes a listing of about 130 elementary-secondary and post-secondary institutions that are currently under investigation for discrimination involving shared ancestry.

In May 2023, the Department announced a specific [Antisemitism Awareness Campaign](#), providing resources and [reminding schools of their legal obligations](#) under Title VI to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination. And recent OCR Title VI enforcement actions further demonstrate the agency’s commitment to addressing harassing or intimidating behaviors that deprive students of equal educational opportunities – including [anti-Israel activity](#) when it crosses the line into unlawful discriminatory conduct. Yet, despite these efforts, some Members of Congress, including Members supporting the Antisemitism Awareness Act, have supported *reducing* funding for this essential federal anti-discrimination enforcement.

Antisemitism does not exist in isolation. It is a set of dehumanizing and hostile beliefs and behaviors that target Jews, both as individuals and as a group, because of their Jewish identity. It takes on many forms, including overt acts of violence, discrimination, harassment, and vandalism, as well as more subtle codes, tropes, and assumptions. [Antisemitism](#) is a central feature of the white power movement, with Jewish people cast as all-powerful manipulators who use Black people and other

nonwhite persons to challenge white social and political dominance. Anti-Jewish hatred is a core component of other bigoted ideologies underlying the need for a more robust interracial and intercommunal approach to combating antisemitism in America. Efforts like this legislation that isolate antisemitism from other forms of bigotry, such as anti-Black and anti-Asian racism and other forms of discrimination, fail to prevent and address the root causes of hate and bias acts. Adoption of this legislation would not prevent antisemitism – and risks reinforcing dangerously false antisemitic tropes that allege Jews receive preferential treatment from the government. At this time of increased antisemitic violence, it is important we prioritize meaningful efforts to dismantle antisemitism and all the machinery used to manufacture fear and divide communities.

For decades, the SPLC has monitored hate, actively working to counter antisemitism and racism in pursuit of an inclusive, multi-racial society. Our extensive research shows that effective measures against hate must focus on dismantling white supremacy and should include public education and strategic interventions to address antisemitism and other forms of hate and bias. The Antisemitism Awareness Act falls short; it is an ineffective response that fails to take meaningful steps to combat antisemitism. As we [wrote recently in our essay on antisemitism](#) for the National Urban League’s 2023 *State of Black America* report, in addition to being a particularly toxic form of prejudice, antisemitism is an animating feature of white nationalist ideology and often a leading indicator that a society is more broadly infected and divided by racism.

The [U.S. National Strategy to Counter Antisemitism](#) is a better approach that could yield more impactful results. Enactment of the Antisemitism Awareness Act would do nothing to implement the National Strategy’s extensive programmatic commitments. And it would not carry forward the significant programs and initiatives designed to address antisemitism and other forms of hate-fueled discrimination and extremism announced at the September 2022 White House [United We Stand Summit](#) in which [SPLC participated](#). We have also called for Congress to [appropriate \\$10 million to implement the Summit’s meaningful commitments](#).

We urge you to oppose the Antisemitism Awareness Act – and act instead to fund and implement the impactful United We Stand and National Strategy programs and initiatives designed to foster unity and build community trust and resilience in the fight against antisemitism and all other forms of hate and extremism. Please contact Michael Lieberman, SPLC Action Fund Senior Policy Counsel, at Michael.Lieberman@splcenter.org if you have questions or need additional information.

Sincerely,



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