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cc: Deborah Enix-Ross, *ABA President*
Palmer Gene Vance II, *Chair ABA House of Delegates*

January 18, 2023

Dear Co-Sponsors of Proposed American Bar Association Resolution 514 on Antisemitism,

We write to convey our strong objection to the reference to the “International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism” in proposed ABA resolution 514 (Resolution 514). **We urge you to remove all mentions of the IHRA definition from ABA Resolution 514.**

With antisemitism surging in the United States and in countries around the globe, we agree with the co-sponsors of proposed Resolution 514 that the ABA – as a leading organization devoted to, among other things, justice and human rights – can and should be involved in fighting

antisemitism. **There are many constructive forms such involvement could take; embracing the IHRA definition of antisemitism is emphatically not among them.**

Ongoing efforts to codify the IHRA definition into law and policy, including at the ABA, are invariably framed as efforts to fight antisemitism. **Yet, the clear objective behind the promotion of the IHRA definition is the suppression of non-violent protest, activism, and criticism of Israel and/or Zionism** – a fact that is so well-documented as to be beyond reasonable dispute. The IHRA definition has been instrumentalized, again and again, to delegitimize critics and criticism of Israel and its policies, and to suppress voices and activism in support for Palestinian rights. The most common targets of IHRA-based attacks have been university students, professors, and grassroots organizers over their speech and activism on Israel/Palestine; IHRA has likewise been used to disparage (among others) human rights and civil rights organizations, humanitarian groups, and members of Congress for documenting or criticizing Israeli policies or speaking out about Palestinian rights.

Indeed, regardless of the original intent of its drafters, in practice the IHRA definition has been used consistently (and nearly exclusively) not to fight antisemitism, but rather to defend Israel and harm Palestinians – at the cost of undermining and dangerously chilling fundamental rights of free speech, freedom of assembly and protest, and academic freedom. **Any embrace of the IHRA definition by the ABA would legitimize and encourage this undermining of core democratic rights.** Equally, extending its own credibility to the IHRA definition would implicate the ABA in ongoing efforts to pressure states and the federal government to adopt and enforce the IHRA definition, and the violations of basic democratic rights that have been at the center of its application, both as a matter of policy and of law.

To be clear: **while its champions present the IHRA definition as a “consensus” and “non-controversial” definition, nothing could be further from the truth.** The IHRA definition has been challenged, vigorously, by hundreds of antisemitism experts, rabbis, and scholars of Jewish studies, Jewish history, and the Holocaust, by Palestinians who have borne the brunt of its application, as well as by experts on fighting racism and free speech. These experts – who include Kenneth Stern, the original lead drafter of the definition – have published hundreds of reports and articles articulating their concerns and objections. They have given speeches at countless think tanks, universities, synagogues, and international forums. They have presented testimony before Congress, and even before the ABA in connection with this resolution. Concern about either the misuse of, and/or the plain text of, the IHRA definition among Jewish scholars is so acute that it has given rise (so far) to two mainstream, independent projects aimed at developing alternative definitions.

Just as we believe the ABA should be involved in fighting antisemitism, we believe the ABA – consistent with its commitment to the rule of law, the legal process, holding governments accountable under law, human rights, and justice – has an important role to play in conveying concerns about Israel and its policies. With that in mind, we are concerned that **the reference to the IHRA definition in the ABA resolution would undermine the ABA’s own ability to engage on key issues related to Palestinian rights**, including in support of human rights defenders who are increasingly under attack.

For all of these reasons, we urge you to remove all mentions of the IHRA definition from proposed ABA Resolution 514.

Sincerely,

American Civil Liberties Union
Americans for Peace Now
Center for Constitutional Rights
Foundation for Middle East Peace
Palestine Legal

Joined by:

Adalah Justice Project
American Humanist Association
American Muslim Bar Association
American Muslims for Palestine (AMP)
American-Arab Anti-Discrimination Committee (ADC)
Americans for Justice in Palestine Action (AJP Action)
Anethum Global
Arab American Institute
Asian Law Caucus
Boston University International Human Rights Clinic
Center for Security, Race and Rights
Coalition for an Ethical Psychology
Council on American-Islamic Relations (CAIR)
Defending Rights & Dissent
Diaspora Alliance
Human Rights Clinic, Inter-American University of Puerto Rico School of Law
Human Rights First
ICNA Council for Social Justice
Indiana Center for Middle East Peace, Inc.
International Service for Human Rights (ISHR)
Jewish Voice for Peace
Minnesotans Against Islamophobia
MN BDS Community
Muslim Advocates
NAACP Rutland VT
National Arab American Women's Association (NAAWA)
National Lawyers Guild
Northfielders for Justice in Palestine/Israel
Project South
Promise Institute for Human Rights at UCLA Law
The Civil Liberties Defense Center
The Legal Resources Centre (South Africa)
Twin Cities Assange Defense
University Network for Human Rights
US Campaign for Palestinian Rights
Women Against Military Madness
Women's All Points Bulletin (WAPB)