



The Louis D. Brandeis Center, Inc. (LDB) is an independent, non-partisan institution for public interest advocacy, research and education. The Center's mission is to advance the civil and human rights of the Jewish people and to promote justice for all.

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## **South Carolina Latest State to Address Growing Campus Anti-Semitism *Bills introduced in Virginia and Tennessee legislatures recently and in Congress in December***

**Washington, D.C., February 23:** [The Louis D. Brandeis Center for Human Rights Under Law](#) (LDB) today endorsed a bill introduced in the South Carolina Legislature which will help combat the growing threat of anti-Semitism on state college campuses.

The South Carolina bill follows similar efforts at the federal level and in Virginia and Tennessee. In January, Virginia Delegate Dave A. LaRock introduced a bill in the Virginia House of Delegates. In February, Senator Dolores R. Gresham and Representative Judd Matheny introduced a bill in the Tennessee General Assembly. And the Anti-Semitism Awareness Act is awaiting reintroduction in Congress this term.

“According to the latest FBI tracking, there were more Jewish hate crime victims than victims of all other religious groups combined. And no where is this problem worse than on college campuses where anti-Semitism is spiking at an alarming rate coast to coast,” stated [Kenneth L. Marcus](#), LDB president and the individual who drafted the policy under which the U.S. Department of Education investigates anti-Semitism claims. “We are grateful to South Carolina Representative Alan D. Clemmons for his leadership in the national fight to combat escalating anti-Semitism.”

“This bill speaks directly to a critical public policy need in South Carolina and around the country. We are pleased to mobilize our educational and policy resources behind this legislative effort, along with our many partner organizations, and believe it is a necessary compliment to state laws that regulate against commercial manifestations of anti-Jewish bigotry,” stated Joseph Sabag, U.S. National Director of the Israel Allies Foundation (IAF). “Representative Clemmons possesses a unique level of moral clarity, and is once again to be applauded for proving himself to be a historic champion in the fight against anti-Jewish bigotry.”

The South Carolina bill, [H.3643](#), will ensure crucial legal protections to the rights of Jewish students. It defines anti-Semitism using the U.S. Department of State’s definition and will provide South Carolina public post-secondary institutions with the means to fight discrimination of Jewish students. It was introduced in the South Carolina House of Representatives and referred to the House Committee on Judiciary. The Subcommittee on General Laws, yesterday, voted unanimously in support of the measure and 105 out of 121 seated members of the South Carolina House of Representatives have signed on as cosponsors.

*“In reviewing, investigating, or deciding whether there has been a violation of a college or a university policy prohibiting discriminatory practices on the basis of religion, South Carolina public colleges and universities shall take into consideration the definition of anti-Semitism for purposes of determining whether the alleged practice was motivated by anti-Semitic intent.”*

*(Sub-clause B of H. 3643 Section 1)*

Marcus, who recently wrote *The Definition of Anti-Semitism* (Oxford University Press 2015) and testified before the South Carolina subcommittee on the measure yesterday, explained, “These bills provide much-needed clarity, especially about assaults, vandalism, and other illegal conduct that is motivated by a hatred of Jews. This is particularly important for addressing and defining a core and often times confusing problem on campus, anti-Semitic incidents that have some relationship to anti-Israel activity. What I really like about this legislation is that it provides well-established tools for addressing Jew-hatred while steering clear of constitutionally protected speech.”

Just like the other legislation, the South Carolina bill is careful to protect students' First Amendment rights. H. 3643 in no way regulates or restricts free speech and/or academic freedom. Rather, the bill ensures that authorities consider the U.S. Department of State's definition of anti-Semitism in instances when it is necessary to determine the intent of *unprotected* activities, including assault, battery and vandalism.

The State Department definition is the single most authoritative definition of anti-Semitism in the U.S. In addition to defining classic forms of anti-Semitism, the State Department definition clarifies the confusion surrounding the line between anti-Semitism and legitimate criticism of the State of Israel. The world's most preeminent scholars of anti-Semitism endorse it, global leaders agree with it and student governments at several institutions (e.g., UC Berkeley, UCLA, UC Santa Barbara, Indiana University, Ryerson University and Capital University) have adopted it. The United Kingdom recently announced that it will formally adopt a definition of anti-Semitism that is substantially the same as the U.S. State Department's and is supported by the more than 50 countries that make up the Organisation for Security and Co-operation in Europe.

"It is well-known that the government can use criminal admissions, such as confessions and other contemporaneous utterances, to establish intent. For example, if someone says they hate French people, they are engaging in free speech. It may be offensive, but they have a right to say it. On the other hand, if they then go on to kill a Frenchman, the district attorney can admit their statement to prove intent or premeditation. The criminal justice system depends on such admissions. Rep. Clemmons' bill does the same thing. It provides South Carolina universities with tools that they can use to determine when unlawful conduct is motivated by anti-Semitic intent," Marcus explained.

Anti-Semitism is an urgent and compounding problem across the nation. Jewish hate crime victims, totaling 664 in 2015 according to the [FBI's Hate Crime Report](#), outnumber victims of all other religious groups combined (580 victims). A [Brandeis Center-Trinity College study](#) found that 54 percent of Jewish students reported experiencing or witnessing anti-Semitism in 2014. And the situation is getting worse. An [AMCHA Initiative study](#) reports a 45 percent increase in anti-Semitic incidents in the first half of 2016 as compared to the same period in 2015.

There has been significant work on the national and state level to tackle discrimination of Jewish students. Sens. Tim Scott (R-SC) and Bob Casey (D-PA) introduced and unanimously passed the bipartisan Anti-Semitism Awareness Act in the Senate in early December. This Act will assist the U.S. Department of Education's Office for Civil Rights in deciding whether harassment was motivated by anti-Semitic intent. Reps. Peter J. Roskam (R-IL) and Ted Deutch (D-FL) introduced the companion bipartisan House bill (H.R.6421), but it was too late in the congressional term to achieve passage. Congress is expected to take action this year.

The Virginia bill, HB 2261, seeks to revise the Virginia Code to recognize anti-Semitism as a form of unlawful discriminatory practice, calls upon the board of visitors of public institutions of higher education to enact policies or regulations against discrimination, including anti-Semitism, and defines anti-Semitism using the U.S. Department of State's definition. Though Virginia's 30-day legislative session ran out before the bill was passed, Virginia Deputy Majority Leader Delegate C. Todd Gilbert acknowledged the severity of the problem and committed to place the initiative at the top of the docket during next year's legislative session.

The Tennessee bill aims to increase understanding about anti-Semitism. It calls for the Tennessee Department of Education and institutions of higher education to take into consideration the U.S. State Department definition of anti-Semitism to assess whether an unprotected action was motivated by anti-Semitic intent.

"Thanks to Representative Clemmons' leadership, South Carolina was the first state in the nation to adopt modern anti-BDS legislation, and since then, many other states have followed South Carolina's lead," stated Marcus. "With South Carolina and Representative Clemmons assuming a national leadership role once again with this bill, we expect other states will certainly follow suit."

***About The Louis D. Brandeis Center:*** The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education, and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts university, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.