



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.

Virginia Delegate Dave LaRock Introduces Landmark Anti-Semitism Bill

Washington, D.C., January 24, 2017: The [Louis D. Brandeis Center for Human Rights Under Law](#) (LDB) praises Delegate Dave A. LaRock of the Virginia House of Delegates for introducing a bill to amend the Virginia Code to recognize anti-Semitism as a form of unlawful discriminatory practice. Delegate LaRock, along with Delegate Mark L. Cole, introduced the bill to the Virginia House, at which point it was referred to the Committee on General Laws.

LDB President Kenneth L. Marcus commented, “Delegate LaRock has introduced important legislation that can help ensure that all Virginia state university students are provided an equal opportunity to an outstanding Virginia education. I am pleased that Delegate LaRock was careful to draft the bill in a way that protects the freedom of speech of all students and professors.”

For Virginia, HB 2261 follows a number of anti-Semitic incidents on public university campuses across Virginia. Last year brought many occurrences of anti-Semitic graffiti at Virginia state schools. In November, the College of William and Mary found graffiti targeting Jewish students and staff in a residence hall bathroom. The graffiti contained the words “Go Trump” where the letter “T” was replaced by a swastika. In October, graffiti featuring Holocaust imagery was discovered at the University of Virginia. An orange Star of David with the word “Juden,” the German word for Jews, underneath it was spray painted on an off-campus student housing building. At Old Dominion University in March, multiple fliers portraying a swastika and Nazi-supporting message were posted on monorail poles between the Engineering Systems and Education Building. Text on the fliers read “Old Dominion University, You have been visited by The AtomWaffen Division. Join our Local Nazis.” At George Mason University, an anti-Israel activist reportedly threatened to “f*** up a Zionist,” another disparaged Jews as “Zionist terrorists,” while others said “Zionists are so ugly.”

The events of 2016 prove that anti-Semitism at Virginia state schools is an urgent and compounding problem—one that demands the effective solutions proposed in HB 2261. If the bill is enacted, Virginia state colleges would possess a better tool with which to combat discrimination of Jewish students. The schools would be able to do so without infringing upon students’ First Amendment right to free speech. HB 2261 is particularly careful to protect this constitutional right. Rather, the bill ensures that authorities consider the U.S. Department of State’s definition of anti-Semitism when deciding whether an activity was motivated by anti-Semitic intent. In other words, HB 2261 guides authorities in determining if the intent of unprotected practices should be addressed with the anti-discrimination tools used to fight other forms of bigotry. The U.S. Supreme Court confirmed the constitutionality of this method in *Wisconsin v. Mitchell* by ruling that it is constitutional to consider the content of protected speech for the purpose of determining intent.

The propagation of anti-Semitism on Virginia state university campuses mirrors a similar surge nationwide. According to the FBI, Jewish hate crime victims outnumber victims of all other religious groups combined. This problem is especially rampant on college campuses across the country, as more than half of Jewish students reported experiencing or witnessing anti-Semitism in 2014 and 2015. Anti-Semitic incidents at universities increased by 45% from 2015 to 2016, according to an AMCHA Initiative study.

The bill, HB 2261, defines discrimination “because of religion” and “on the basis of religion” to include anti-Semitism.

“The term “because of religion” or “on the basis of religion” or terms of similar import when used in reference to discrimination in this Code and acts of the General Assembly include anti-Semitism as defined in § 2.2-3901.1.”
(proposed Clause C to add to § 2.2-3901)

It further defines “anti-Semitism,” using the U.S. Department of State’s definition and its important examples that address a core consideration on campus of when anti-Israel activities cross the line into anti-Semitism.

“As used in this section, “anti-Semitism” means a perception of Jews that may be expressed as hatred toward Jews and includes rhetorical and physical manifestations of hostility or hatred that may be directed toward Jewish or non-Jewish individuals or their property, the Jewish community, or Jewish institutions and religious facilities. “Anti-Semitism” includes the definition of anti-Semitism established by the Special Envoy to Monitor and Combat Anti-Semitism of the U.S. Department of State in a June 8, 2010, Fact Sheet and the examples of anti-Semitism listed under headings “Contemporary Examples of Anti-Semitism” and “What Is Anti-Semitism Relative to Israel?” contained in the Fact Sheet.”
(Clause A of proposed § 2.2-3901.1)

The bill calls upon the board of visitors of public institutions of higher education to enact policies or regulations against discrimination, including anti-Semitism. When investigating alleged incidences of such unlawful discriminatory practice, authorities must consider the U.S. Department of State’s definition of anti-Semitism to determine if the violation was motivated by anti-Semitic intent.

A similar effort is being pursued on a national level. A bipartisan group, led by Sens. Tim Scott (R-S.C.) and Bob Casey (D-Pa.), introduced and passed the Anti-Semitism Awareness Act in the Senate in December. The Act assists the U.S. Department of Education’s Office for Civil Rights in determining whether an incident of harassment is motivated by anti-Semitism. It is awaiting reintroduction in the House of Representatives.

The complete text of HB 2261 is available [here](#).

“In light of increasing anti-Semitism on college campuses across the nation, and in Virginia especially, Delegate LaRock deserves much praise for his work in addressing this urgent issue,”

comments [Kenneth L. Marcus](#), LDB President and General Counsel. “LaRock’s bill, if passed, will provide imperative legislative protections to combat bigotry.”

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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. For more information, contact Kenneth L. Marcus at klmarcus@brandeiscenter.com, or at (202) 559-9296, or find us at [our website](#).