

Victory in Bal Harbour: LDB Testifies in Support of Anti-Semitism Definition Act, Unanimously Passes First Reading

Washington, D.C., November 22, 2017: The Bal Harbour Village Hall was packed with supporters as the Village Council took an important step in combatting the growing and urgent problem of anti-Semitism last night. Under the leadership of Mayor Gabriel Groisman, the Council voted, 5-0, in favor of the “Anti-Semitism Definition Act.” LDB Director of Legal Initiatives Aviva Vogelstein testified in support of this important ordinance, which seeks to provide Bal Harbour’s law enforcement officials with a uniform definition of anti-Semitism. Such a definition would help law enforcement evaluate if there was anti-Semitic intent behind criminal offenses, ensuring appropriate treatment of such incidents.

“The Bal Harbour Village Council deserves tremendous praise for unanimously voting in favor of this vital bill, making them the first municipality to take the lead on such a pressing issue of our time,” said Vogelstein.

“With the passage of this ordinance in December, we will be the first government body in the nation to codify the proper definition for anti-Semitism, reflecting the realities of the day,” said Mayor Gabriel Groisman. “We hope that cities and states across the country will follow, and our nation will continue to reject all forms of hate and discrimination.”

Bal Harbour is no stranger to the fight against anti-Semitism. A little less than two years ago, Bal Harbour became the first municipality in the country to pass an anti-BDS ordinance. “Because of our leadership on this issue, over three dozen cities, estimated, across the country have passed similar ordinances. At the time only two states had similar laws, today 24 do. What this trend shows is that while Bal Harbour is a small municipality, we are a strong community and have the ability to lead on important issues around the state and around the country,” said the Mayor in his opening remarks.

“This new ordinance is an important development and we anticipate Bal Harbour’s leadership will serve as another example for other municipalities and states across the country,” added Joseph Sabag, Executive Director of Israel Allies Foundation.

Anti-Semitism is unfortunately on the rise in this country. According to newly-released FBI data, Jewish hate crime victims outnumbered victims of all other religious groups combined in 2016. The Anti-Defamation League (ADL) has recorded 1,299 anti-Semitic incidents in the first 3 quarters of this year compared to 779 in the same period last year. Both numbers are far too high, but this year has seen a glaring 67% increase. In Florida, the ADL recorded 137 reported anti-Semitic incidents in 2016, with South Florida – where Bal Harbour is located – having the highest percentage of reported incidents. By enacting this ordinance, Bal Harbour law enforcement will be properly equipped to handle crimes motivated by anti-Semitic intent, should they arise.

Some recent examples of anti-Semitism in Florida include: In October, a Chabad Jewish Center in Naples was burglarized, trashed, and defaced with anti-Semitic graffiti. Reportedly, someone

had written on a window in red lipstick, “! YOU JEWS NEVER! LEARN!! HEIL HITLER!” A swastika had also been drawn. In January, three synagogues in the Tampa area were vandalized with anti-Semitic and neo-Nazi graffiti, which included swastikas and the white supremacist numeric symbol “1488” scrawled in chalk. Also in January, “BDS” was spray-painted in front of Jewish-owned businesses in Miami.

“Under this bill, Bal Harbour will use the same definition of anti-Semitism that the United States federal government uses to assess incidents that occur abroad, and substantially the same definition that many other countries and worldwide agencies have adopted. Law enforcement is central to the project of defining anti-Semitism,” explained Vogelstein.

Law enforcement concerns were crucial to the initial efforts to develop the European Union Monitoring Committee on Racism and Xenophobia (EUMC)’s International Working Definition of Anti-Semitism, upon which both the U.S. State Department and the International Holocaust Remembrance Alliance (IHRA)’s definitions are based. These definitions have been widely adopted and applied for law enforcement purposes. For example, in 2010, the U.K.’s All-Party Parliamentary Inquiry into Antisemitism recommended that the International Working Definition be adopted and promoted by the Parliament and law enforcement agencies. The U.K. College of Policing has adopted and currently utilizes the definition in its Hate Crime Operational Guidance.

Earlier this year, the European Commission added the working definition to its website, referring to it as a “useful tool for civil society, law enforcement authorities and education facilities to effectively recognise and fight all forms of antisemitism.” The European Parliament also approved a Resolution calling on EU member states and institutions to adopt and apply the definition to support law enforcement “in their efforts to identify and prosecute anti-Semitic attacks more efficiently and effectively. . . .”

The Organization for Security and Cooperation in Europe (OSCE), of which the U.S. is a participating state, has taken several steps to provide law enforcement with a definition. Importantly, in 2017, OSCE’s Office for Democratic Institutions and Human Rights included, in full, the IHRA’s definition in its important guide, “Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities.”

In line with many other countries and worldwide agencies, adopting the U.S. State Department’s Definition of Anti-Semitism into the Bal Harbour Village Code, which will likely happen after the second reading in December, would be a useful tool for law enforcement in addressing and preventing anti-Semitism.

Valid monitoring, informed analysis, and effective policy-making start with uniform definitions. Uniform definitions are especially important for anti-Semitism, because so much confusion surrounds the line between anti-Semitism and legitimate criticism of the State of Israel. Not all criticism of Israel is anti-Semitic; but under the widely-established State Department’s definition, anti-Zionism crosses the line into anti-Semitism if one seeks to: 1) demonize the Jewish state; 2) delegitimize Israel’s right to exist; or 3) hold Israel to a double-standard by not requiring of it a behavior expected of any other democratic nation. The State Department’s definition also

importantly notes that, “criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.” The State Department has explained that, “it is especially important to define anti-Semitism clearly to more effectively combat it.” (See U.S. Department of State, Special Envoy to Monitor & Combat Anti-Semitism Ira Forman, “Combating Global Anti-Semitism in 2016,” Berlin, Germany, March 2016.)

Similar efforts to combat anti-Semitism are underway federally and in the states. Federal legislation which incorporated the State Department’s definition of anti-Semitism passed the Senate by unanimous, bipartisan consent last December. Although there was not enough time to vote in the House before the winter recess, the House Judiciary Committee recently held a hearing on the bill, and it is expected to be re-introduced. In the states, South Carolina is expected to be the first state to pass Anti-Semitism Awareness legislation soon. It is heartening to see people across the political spectrum joining together to defeat the ugly resurgence of anti-Semitism.

“While some critics claim that such bills burden free speech, they do no such thing,” said Vogelstein. “The Bal Harbour Ordinance (as well as Anti-Semitism Awareness Legislation) merely provides a uniform tool for ascertaining *intent*, similar to the use of confessions in criminal proceedings. It does not penalize or restrict anyone’s right to free expression.”

“This ordinance is as simple and straightforward as it is important. The ordinance states that in investigating any crime, the police shall consider whether there is an anti-Semitic motive to the crime, and includes the working definition of anti-Semitism put forth by the Department of State in 2010,” said Mayor Groisman. “The ordinance simply gives police the language to comprehend the modern form of anti-Semitism in investigating crimes. Importantly, the ordinance explicitly states that it shall not infringe or impinge on anyone’s first amendment rights.”

The Bal Harbour Village Council deserves credit for considering this vital bill. It is important for Bal Harbour to avail its law enforcement officers with the best tools available to address all forms of hate and bias, and anti-Semitism deserves the same condemnation as all forms of hate.

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