

## NewsRoom

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### Opponents of bill defining antisemitism mount campaign for Evers to veto it

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Protesters camped out on Library Mall at the University of Wisconsin-Madison in the spring of 2024 to register opposition to Israeli strikes on Gaza. Legislation that would define antisemitism will go to Gov. Tony Evers for final action after passing the state Senate March 17. Supporters say the bill would not interfere with First Amendment rights, but opponents contend that it could criminalize the free speech of people critical of Israel's government. (Photo by Baylor Spears/Wisconsin Examiner)

With a controversial bill to stipulate a definition of antisemitism in Wisconsin law now heading to the desk of Gov. Tony Evers, opponents have stepped up a campaign against the legislation.

The measure, AB 446, would incorporate in state law a definition of antisemitism that was adopted by the International Holocaust Remembrance Alliance in May 2016.

If enacted, it would require agencies to apply the alliance's definition when evaluating claims of racial, religious or ethnic discrimination. The definition also would be used in decisions on enhanced penalties for crimes that target people or property based on race, religion, color or national origin.

The Assembly passed the bill Feb. 17 on a vote of 66-33 that split the body's Democratic caucus.

The state Senate concurred Tuesday in a voice vote with no debate, a day after more than 40 organizations published an open letter urging the body to reject the bill and Evers to veto it. The letter was endorsed by organizations including Citizen Action of Wisconsin, the immigrant rights group Voces de la Frontera, the faith-based social justice group WISDOM and many more, including Muslim groups, Jewish peace groups and an assortment of other organizations.

Proponents have said the legislation is needed to draw a line against an increase in antisemitic incidents. Opponents argued that the bill infringed on free speech by conflating prejudice against Jews with criticism of Israel's government.

Public hearings in both the Senate and the Assembly drew impassioned testimony both for and against the bill, and critics as well as supporters included prominent Jewish leaders.

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The coalition letter sent Monday asserted that “there is overwhelming evidence that codifying IHRA is unconstitutional, reproduces anti-Palestinian racism, and is unnecessary and harmful to public institutions.” Its citations included a brief published by the **Center for Security, Race and Rights** at Rutgers University Law School in New Jersey.

Both supporters and critics have made their arguments in the context of the attack on Oct. 7, 2023, by the Palestinian political and military organization Hamas and the subsequent Israeli military attacks on the Palestinian territory of Gaza.

Proponents have cited statistics showing a sharp increase in antisemitic incidents across the country, including what they described as antisemitic actions on college campuses during demonstrations opposing Israel’s actions in Gaza.

Opponents have warned that the IHRA definition could be used to criminalize protesters who publicly criticize the Israeli government, and said that examples incorporated in the IHRA definition omit major forms and sources of antisemitism.

Supporters have highlighted language in the bill stating that it may not be construed to infringe on First Amendment rights or to conflict with federal or state antidiscrimination laws. Opponents have dismissed that disclaimer as meaningless and ineffectual, however.

On the day that the Assembly voted on the legislation, its author, Rep. Ron Tusler (R-Harrison), amended it with a declaration that “nothing in [the measure] may be construed to create any additional civil or criminal penalty, including for activity protected under the first amendment to the U.S. Constitution at any public school in this state or at any University of Wisconsin System institution or technical college.”

The opposition coalition’s letter also dismissed that provision. “When legislation requires an emergency disclaimer clarifying that it is not meant to criminalize students, that alone reveals the inherent danger embedded in the bill’s structure,” the letter declared. “The need for this language underscores what critics have warned all along: the bills were designed to invite punitive enforcement and chill protected speech.”

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Opponents of bill defining antisemitism mount campaign for..., 2026 WLNR 8206980

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