CAIR NEW JERSEY

AMERICA'S LARGEST ISLAMIC CIVIL LIBERTIES AND ADVOCACY GROUP

Protect Free Speech: Oppose Assembly Bill A3558

June 23, 2025

Dear New Jersey Assembly Community Development and Women's Affairs Committee members,

We write to express serious concerns about Assembly Bill A3558 that would adopt and implement the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. While we strongly condemn antisemitism and support efforts to combat it, we oppose the codification of the IHRA definition into law because it encompasses constitutionally protected speech and risks chilling academic freedom and public debate.

The IHRA definition includes examples that conflate criticism of Israel with antisemitism. This broad definition could be used to investigate, censor, or punish protected speech, including:

- Criticism of Israeli government policies
- Advocacy for Palestinian rights
- Academic discussions about Israel and Palestine
- Political expression and protest activities

Courts have consistently held that the First Amendment protects speech critical of any nation, including Israel. Government actions that chill protected speech violate the Constitution, even if they do not directly prohibit speech.

Kenneth Stern, the lead author of the IHRA definition, has himself opposed the application of this definition to campus speech, noting that codifying this definition would lead campus administrators to "fear lawsuits when outside groups complain about anti-Israel expression, and the University doesn't punish, stop or denounce it." The mere threat of legal action, even if ultimately unsuccessful, could pressure educational institutions to restrict speech within their communities due to concerns about potential backlash from stakeholders including donors, faculty members, politicians, and prospective students.

This is not an ask for you to take a position between Israel and Palestine, but instead to staunchly defend the right of those in the United States to speak out on domestic and international political matters. While antisemitism is a serious concern that deserves attention, addressing it must not come at the expense of fundamental constitutional rights. The ability to criticize governments and their policies is a critical component of our democracy.

Let us not allow any bill to weaponize antisemitism by conflating it with legitimate discourse. The adoption of IHRA would tarnish New Jersey's reputation as a state that values free speech and diversity. We urge you to reject Assembly Bill A3558 and instead support measures to combat antisemitism that do not infringe on First Amendment rights.

Sincerely,

The Undersigned Organizations

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The Undersigned Organizations:

American Muslims for Democracy
American Muslims for Palestine - NJ
Black Lives Matter Paterson
CAIR Action New Jersey
CAIR New Jersey
Emgage Action
Faith in New Jersey
ICNA-Council for Social Justice, NJ
Indian American Muslim Council
Islamic Center of Passaic County
Jewish Voice for Peace - Central Jersey
Jewish Voice for Peace - North Jersey
Justice for All - NJ
Make The Road, New Jersey
Movimiento Cosecha
Muslim Foundation Inc.
Neturei Karta, New Jersey
New Jersey Alliance for Immigrant Justice
New Jersey Democratic State Committee Muslim Caucus
New Jersey Muslim Lawyers Association
New Jersey Muslim Coalition
New Jersey Muslim Voice for Progress
North Hudson Islamic Educational Center
Palestinian American Community Center, NJ
PAL- Awda NY/NJ
Teaching While Muslim