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International
NATIONAL LAWYERS GUILD INTERNATIONAL COMMITTEE nlgiinternational.org

Protesting Genocide Is Not Hate Speech

Concerning Equation of Anti-Zionism to Antisemitism



Since the State of Israel escalated its genocide against Palestinians in October 2023, protests against Israel and the U.S. government's unwavering support have expanded across the U.S.



In turn, public and private institutions are changing policies and rules to sanction criticism of **Zionism - a political, colonial ideology that has always sought to establish a supremacist, ethnic nation state on the land where Palestinians have lived for centuries.**

We are concerned with a quickly expanding problem
across legal areas in the U.S.:

**the equation of anti-Zionism
to antisemitism.**

In December 2023, the
U.S. House of
Representatives passed
a resolution that “clearly
and firmly states that
anti-Zionism is
antisemitism”

In March 2024, the University
of CA (UC) system proposed
modifying political speech
rules after departments
issued statements
condemning the genocide
committed by Israel

Beginning in July 2024, the Asheville Police
Department in NC has been charging people of
committing “Ethnic Intimidation” based on events that
allegedly occurred at a pro-Palestine event

In September 2024, Judge
Jonathan Lippman submitted
a report to the NY Governor
recommending that anti-
Zionism be equated to
antisemitism in policies of the
City University of New York
(CUNY) system

Around September 2024,
the New York University
(NYU) system modified
its nondiscrimination and
anti-harassment policy to
include “anti-Zionism” as
an example of
discrimination

This is not new: **Zionist and pro-Israel groups have been advocating for legal consequences to anti-Zionism in the U.S. for years.** Over the last decade, states have penalized Boycott, Divest, Sanction (BDS) movements, and universities have censored pro-Palestine student groups.



Pro-Israel lobby groups **seek to criminalize any speech or advocacy that draws attention to Israel's violations of international law** to weaken solidarity and delay and deny Palestinian freedom and justice.

In 2023, the **American Bar Association (ABA)** attempted to adopt the discredited and malicious **International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.**

Many legal organizations, including Pal Legal and NLG, objected to this failed attempt.

Ongoing efforts to codify the IHRA definition into law and policy, including at the ABA, are invariably framed as efforts to fight antisemitism. **Yet, the clear objective behind the promotion of the IHRA definition is the suppression of non-violent protest, activism, and criticism of Israel and/or Zionism** – a fact that is so well-documented as to be beyond reasonable dispute. The IHRA definition has been instrumentalized, again and again, to delegitimize critics and criticism of Israel and its policies, and to suppress voices and activism in support for Palestinian rights. The most common targets of IHRA-based attacks have been university students, professors, and grassroots organizers over their speech and activism on Israel/Palestine; IHRA has likewise been used to disparage (among others) human rights and civil rights organizations, humanitarian groups, and members of Congress for documenting or criticizing Israeli policies or speaking out about Palestinian rights.

Excerpt from 2023 letter

Despite not passing its resolution in 2023, on October 2024, the ABA urged U.S. Congress to pass a bill that would require dozens of federal agencies to adopt the IHRA definition of antisemitism.

Anti-Zionist speech is clearly protected under the First Amendment:

POLITICAL SPEECH

In theory and practice, anti-Zionism is a political position. Political expression is at the core of freedom of expression in the U.S.

NOT INCITEMENT OR FIGHTING WORDS

Demanding the divestment and end to a genocide and return of stolen land is not calling for violent action that is likely to occur.

NOT IMPLICATING RELIGION OR RACE

Objecting to Zionist ideology does not condemn Judaism or Jewish people, who are not a monolith.



Anti-Zionism is not antisemitism.

Injecting this falsity into policies, statutes, and case law is improper and will lead to bad law.

Opposition to the political ideology of Zionism is the call for equal rights for all residents of historic Palestine currently living under Israeli rule, and an end to the occupation and other forms of Israeli demographic control.

Anti-Zionism is fundamentally a political message that does not discriminate on the basis of religious or ethnic identity, but rather calls for equal rights and justice.

Opposition to the political movement of Zionism and the State of Israel is no different from criticism of any other political ideology, such as settler colonialism, imperialism and white supremacy, which are foundation to the United States itself.

Nationalism and patriotism are not religious beliefs.



DO NOT GIVE INTO REPRESSION!

We are stronger when we keep standing up against injustice and genocide, from the river to the sea.

Additional Readings:

- NLG Palestine Subcommittee, Affirmation of Palestinians' Right to Resist: **bit.ly/nlgic2023**
- Benjamin Moser, "Anti-Zionism is not the same as antisemitism:" **bit.ly/wapoantizionism**
- Jewish Voices for Peace, "On Antisemitism, Anti-Zionism and Dangerous Conflations:" **bit.ly/jvpantizionism**



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Slide 1:

- Franco Folini, Pro Palestine protester in San Francisco,
<https://www.flickr.com/photos/78425154@N00/3164645069>
- Alisdare Hickson, Compassion and solidarity - A Jewish man with a Palestinian flag,
<https://www.flickr.com/photos/59952459@N08/28192212288>

Slide 2:

- Rijksmuseum, Garden of Gethsemane and Mount of Olives, from the eastern wall - Jerusalem, Palestine,
<https://commons.wikimedia.org/w/index.php?curid=85584538>

Slide 4:

- John Englart, Israel - Boycott, divest, sanction,
<https://www.flickr.com/photos/81043308@N00/4671068929>
- SammySpartan, Students protest the Israel-Hamas war at the Victory Salute statue at San Jose State University,
<https://commons.wikimedia.org/w/index.php?curid=148457195>

Slide 5:

- ACLU, Letter to Co-Sponsors of Proposed American Bar Association Resolution 514 on Antisemitism,
<https://www.aclu.org/documents/letter-co-sponsors-proposed-american-bar-association-resolution-514-antisemitism>