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HB2299 - Prohibiting discriminatory practices on the basis of religion at public educational institutions and authorizing the attorney general to investigate violations and assess civil penalties under the Kansas act against discrimination.

Opponent

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To the Chair and the Committee

My name is Mitch Brian and I live in Fairway. I was born in Dodge City, raised in Hutchinson and I teach in the Media Art and Design Department at UMKC. I have been an educator there and elsewhere for almost 40 years.

My family is Jewish.

I wanted to write about the upcoming, well-intentioned but problematic bill HB 229. I do not believe it should go forward in its current state.

The Bill prohibits state funded educational institutions from engaging in practices or implementing policies that "promote or tolerate antisemitism." And empower the AG to investigate such acts. Antisemitism "means the same as defined as IHRA's working definition and its examples."

The problem with the IHRA Definition is that it's working examples almost all tie back to Israel. Given that fact, the definition has been used largely as a cudgel against pro Palestine demonstrations that are not antisemitic.

The definition also has some pretty huge gaps in it that make it very unhelpful regarding the biggest antisemitic threats in the US: white supremacy & Christian nationalism.

For instance, I'm pretty sure Musk's Nazi Salute does not rate being considered antisemitic based solely on the IHRA Definition's criteria.

In our household (and in my classroom) we believe that opposing the government of Israel is not being antisemitic. We can criticize it and its policies and still observe our faith.

For example, saying Israel was built on racist foundations likely would meet the bill's definition of antisemitism. Unfortunately the reality involving the founding of Israel and the displacement of Palestinians feels pretty racist to me.

Additionally, the bill expands the definition of antisemitism to include "wearing a mask to conceal one's identity with intent to harass." I find this anti-mask stuff suspect. Protestors sometimes wear a kefeya across their faces or even face protecting N95 masks in indoor spaces. This should not be against the law.

Most of all, these tricky definitions, however well-intended, limits what can be said in the classroom. As a teacher I resent this.

The choice of definition and expanded enforcement powers will have a chilling effect specifically in academia and on campuses. Which should be a zone of free expression.

If we actually want to fight antisemitism, arguing over its definition and conflating it with opposition to Israel & anti-Zionism muddies the water. It narrows our scope rather than breaking down the structural forces that encourage every other form of bigotry.

Thank you for your time.

Mitch Brian