

Revised 514

ADOPTED AS REVISED

AMERICAN BAR ASSOCIATION

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION
INTERNATIONAL LAW SECTION
SENIOR LAWYERS DIVISION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local, territorial, and
2 tribal governments in the United States to condemn antisemitism; ~~as referred to in The~~
3 ~~International Holocaust Remembrance Alliance's (IHRA) working definition of~~
4 ~~antisemitism, encouraged for use by other governments and international organizations~~
5 ~~by the U.S. Department of State: "Antisemitism is a certain perception of Jews, which~~
6 ~~may be expressed as hatred toward Jews. Rhetorical and physical manifestations of~~
7 ~~antisemitism are directed toward Jewish or non-Jewish individuals and/or their property,~~
8 ~~toward Jewish community institutions and religious facilities";~~
9

10 FURTHER RESOLVED, That the American Bar Association urges federal, state, local,
11 territorial, and tribal governments in the United States to support legislation which
12 combats and condemns antisemitism, such as H. Res. 1125 (May 18, 2022) and
13 S.Res.252 (June 14, 2021);
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15 FURTHER RESOLVED, That the American Bar Association urges the United States and
16 all other United Nations member states to adopt legislation and to pursue policies and
17 measures that condemn and eliminate antisemitism;
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19 FURTHER RESOLVED, That the American Bar Association should take a leadership role
20 in opposing antisemitism, both in the United States and around the world, and use its best
21 efforts to:

- 22 1. Condemn all antisemitic attitudes and actions, whether intentionally
23 discriminatory or that have the effect of being discriminatory;
- 24 2. Advocate for governments at all levels to take all reasonable steps to improve
25 the physical security of Jewish institutions and organizations, including by using

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- 26 existing tools such as increasing funding for the Nonprofit Security Grant
27 Program of the Department of Homeland Security, to keep at-risk houses of
28 worship, schools, and community centers safer from antisemitic violence;
- 29 3. Encourage laws, policies and training that build the capacity of the legal
30 community, government agencies and officials, law enforcement and the public
31 at large to research, understand and counter antisemitism;
 - 32 4. Encourage and collaborate with attorneys and other bar associations to
33 advocate against antisemitism in the profession and the community;
 - 34 5. Provide, and encourage other bar associations to provide, training and
35 education, to give people the knowledge and tools necessary to identify,
36 prevent, respond to, and remedy antisemitism, including by providing support
37 to support victims of antisemitism; and
 - 38 6. Call on social media platforms to institute stronger and more significant efforts
39 to identify, measure and address online antisemitism;
- 40

41 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or infringe
42 upon any right protected by the First Amendment to the United States Constitution; and

43
44 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or infringe upon any right
45 detailed in Article 19 and Article 20 of the Universal Declaration of Human Rights.

Deletions struck through; additions underlined.

Deleted: REPORT**Introduction**

Following centuries of violent hate and prejudice, Jews flocked to America with the hope of creating lives free from discrimination due to their Jewish identities, religious beliefs and practices. Compared to most of the world, America has been a haven for freedom; but our nation is not immune from the scourge of antisemitism, and the current decade of social upheaval, economic uncertainty and violent political polarization are fanning its flame, both in the United States and around the world.

A Thousand Year European Survey in Two Paragraphs

The centuries following the massacres of Jewish communities during the Crusades¹ showed an antisemitism deeply embedded in Western culture. From 1190 onward, Jews were expelled from towns throughout France and England, their properties and business assets confiscated, and families ransomed.² Jews were banished from all of England in 1290³, and from Spain in 1492⁴, resettling in places including Poland, Holland, North Africa, and the Ottoman Empire.⁵

Thriving Medieval Christian antisemitism was exemplified by Martin Luther's 1543 "On the Jews and Their Lies." In 1570, the Archduchess of Austria ordered Jews in Bohemia to pay a "readmission fee" every 10 years, and Jewish families were limited to one son.⁶ In 1772, Russian Jews were ordered to live in the Pale of Settlement and nowhere else in Russia.⁷ Still, in the late 1880s, Russian pogroms destroyed many of those villages, driving Jews out of the country.⁸ In the mid-20th century, a politically unsettled Germany and its antisemitic leader killed 40% of the Jews on earth.

The American Jewish Experience

Religious liberty was one of the stated values of the birth of the United States, drawing Jews among the nation's founders. In 1740, naturalization laws included Protestant and Jewish residents, offering Jews a legal status they would not find in Europe for another 50 years; by the time of the Revolutionary War, five small Jewish communities existed on the Atlantic seaboard.⁹

Famously, in 1790, George Washington wrote to the Hebrew Congregation of Newport, Rhode Island, that his government "gives to bigotry no sanction, to persecution no assistance,... May the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants—while everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid."¹⁰

But that promise has never been fully realized. During the Civil War, General Ulysses S. Grant issued an order to expel all Jews from the territory under his command, blaming Jews "as a class" for the smuggling and cotton speculation conducted by a diverse network of people in his region; after Jewish expulsions in northern Mississippi and Paducah, Kentucky, President Lincoln learned of Grant's order and put a stop to it.¹¹ In the late 19th century, agrarian populists of the South and Midwest seized on conspiracy theories, claiming that urban Jews were exploiting markets and the federal government as a whole. Some such populists condemned Jews as a national threat, as an entire corrupt class of international financiers who owned the banks and ruined small family farms by promoting the gold standard.¹²

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