

# NATIONAL COALITION AGAINST CENSORSHIP

July 16, 2019

Hon. Stephen M. Sweeney  
President, New Jersey Senate  
Hon. Robert W. Singer  
State House  
125 West State St.  
Trenton, NJ 08625

Re: Senate Bill 4001

Dear Senator Sweeney and Senator Singer,

On behalf of the National Coalition Against Censorship and PEN America, I am writing to express our grave concern about Senate Bill 4001. NCAC's mission is to promote freedom of thought, inquiry and expression and oppose censorship in all its forms. Our 57 participating organizations are national non-profits, including artistic, educational, religious, and labor groups. PEN America stands at the intersection of literature and human rights to protect free expression in the United States and worldwide. Like other Americans, we have been shocked by the recent acts of anti-Semitic violence in our country and share the belief that more must be done to fight anti-Semitism. However, the approach taken by the authors of H.B. 741 is a serious threat to the free speech rights of New Jerseyans.

S.B. 4001 is unconstitutional and likely to face a legal challenge. Speech on matters of public interest is core political speech that courts afford the highest protection under the First Amendment. The definition of anti-Semitism in S.B. 4001 is so broad that it could apply to constitutionally protected speech in New Jersey schools and universities that is critical of the Israeli government or supportive of Palestinian rights. If the bill becomes law, it could be used to silence political activists, including Jews.

When a bill similar to S.B. 4001 was recently introduced in Florida, prominent members of the Jewish community urged the governor to veto it. They were from different backgrounds and communities, including activists, lawyers, rabbis, business owners and educators. But they were united in the belief that the legislation is an effort to silence criticism of the Israeli government. "Agree or disagree with the critics, the Florida Legislature has no business intruding on those discussions," they wrote.

Kenneth S. Stern, the former director on anti-Semitism for the American Jewish Committee, has been a leading critic of [the Anti-Semitism Awareness Act](#), federal legislation that is similar to S.B. 4001. This is especially significant because he was the lead author of the expanded definition of anti-Semitism adopted in both bills.

[In a New York Times op-ed in 2016](#), Stern explained that the definition was created as a research tool that could be used in evaluating the policies of foreign governments. He is convinced that enshrining it in law and applying it to college campuses would lead to censorship: “Students and faculty members will be scared into silence, and administrators will err on the side of suppressing or censoring speech.”

In his column, Stern also warned that banning anti-Semitic speech would be counterproductive. “When people are seduced by the false notion that a law can stop hateful ideas, they neglect to actually fight bigotry,” he wrote.

Stern believes that education is the best way to fight anti-Semitism on campus. “There should be more courses on anti-Semitism, on the human capacity to hate, on the conflicting narratives of the Israel-Palestine conflict and on how to discuss difficult subjects,” Stern concluded. “Rather than suppressing speech about the conflict, we should be encouraging it. How else will students learn?”

NCAC and PEN America agree. We urge you to encourage education about anti-Semitism and reject the unconstitutional quick fix offered by S.B. 4001.

Thank you.

Sincerely yours,



Christopher Finan  
Executive Director  
National Coalition Against Censorship



Summer Lopez  
Senior Director of Free Expression Programs  
PEN America