

Testimony submitted by
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to
Committee on Homeland Security,
Subcommittee on Intelligence and Counterterrorism

Hearing: “Confronting the Rise in Anti-Semitic Domestic Terrorism”
January 15, 2020

Chairman Rose, Ranking Member Walker and Members of the Subcommittee, my name is Nathan Diament and I am the executive director for public policy for the Union of Orthodox Jewish Congregations of America (also known as the Orthodox Union) – the nation’s largest Orthodox Jewish umbrella organization.

The Orthodox Union represents more than 1,000 synagogues across the United States and more than 500 Jewish day schools which educate hundreds of thousands of K-12 children. We are a nonpartisan charitable organization.

In the year 1790, in his famous letter to the Jewish community of Newport, Rhode Island, President George Washington prayed:

“May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the goodwill of the other inhabitants; while every one shall sit in safety under his vine and fig tree, and there shall be none to make him afraid.”

Now, in the year 2020, in the United States of America, the Children of Abraham are afraid in a way we have never been before. We are under threat of violence as we walk down a city street or enter our synagogues to pray. Jews have faced such threats for centuries, and still face them today, in Europe and elsewhere around the world. But in the United States, even if there was discrimination against Jews, it was not predominantly of this violent kind. But now it is.

Jews were gunned down at prayer in synagogues in Pittsburgh and Poway and shopping for kosher groceries in Jersey City. Visibly identifiable Jews – Orthodox Jews and Chassidic Jews – have been assaulted on the streets of New York, Miami and elsewhere.

And indeed, it is the most visible Jews – those of us who wear a hat or *streimel* or *kippah*, who may have *peyos* (side-locks) or a long beard – who have been subject most to these physical and verbal assaults. Anxiety about this new reality is present in Orthodox Jewish communities across the United States.¹

¹ See *We Are Not Going to Cower*, USA Today, January 6, 2020.
<https://www.usatoday.com/story/news/nation/2020/01/04/anti-semitism-attacks-increase-orthodox-jews-vulnerable-resilient/2809960001/>

In the American Orthodox Jewish community, there is a widespread belief that this wave of physical attacks are the outgrowth of many years of expressions of not only anti-Semitic bias, but anti-Orthodox Jewish bias in particular that have long gone unreported and unrepudiated.

In recent years, in too many localities around the country, government officials and community leaders have felt comfortable making anti-Orthodox Jewish statements and undertaken anti-Orthodox actions.

In multiple towns in New Jersey – Ocean Township, Jackson and Mahwah – local leaders sought to use zoning and land use regulations to try to prevent Orthodox Jews from moving into their towns. In the course of doing so, those local officials referred to Orthodox Jews as “invading” the community, as “dirty” or as “religious zealots.”² It took the intervention of the U.S. Department of Justice³ or State Attorney General’s office⁴ to resolve these disputes.

In Chester, New York – upstate in the Hudson Valley – the town supervisor and leadership have spoken openly about blocking housing developments to prevent Chassidic Jews from moving in saying “if there’s any way for us to choose who could live there, we would.”⁵

In Jersey City, days after the shooting which killed two Orthodox Jews (as well as a police officer and wounded others) a member of the local Board of Education referred to Orthodox Jews as “brutes” who “waved bags of money” and asked if people in the community at large are “brave enough” to explore the “message” the shooters were trying to send.⁶ This person still sits on the Jersey City Board of Education.

Finally, in Rockland County, New York – where the Chanukah celebration attack occurred last month – the Rockland County Republican Party released a video advertisement last summer criticizing an incumbent County official who is an Orthodox Jew and supports housing developments that would allow more Orthodox families to move into the area. The video accused the identifiably Orthodox county legislator as “plotting a takeover” of the

² See *Anti-Orthodox is the New Anti-Semitism*, The Forward, February 7, 2018.
<https://forward.com/opinion/393858/anti-orthodox-is-the-new-anti-semitism/>

³ <http://www.eruvlitigation.com/jackson/breaking-doj-investigation-discriminatory-zoning-jackson-nj/>

⁴ <https://www.jewishlinknj.com/community-news/bergen/26897-the-eruv-stays-new-jersey-ag-settles-mahwah-s-lawsuit>

⁵ See <https://www.nytimes.com/2019/08/14/nyregion/jews-discrimination-lawsuit.html>

⁶ <https://www.jta.org/2019/12/17/united-states/jersey-city-official-refers-to-jewish-brutes-asks-if-residents-are-brave-enough-to-explore-shooters-message>

community that “threatens our way of life.” The video was eventually taken down after a flood of criticism.⁷

These are just a few of many examples and incidents in which Orthodox Jews are portrayed as some “other” – as not part of the American community.

It is important to realize that these offensive incidents targeted at Orthodox Jewry are amplified and accelerated by the broader surge in anti-Semitism we are experiencing in the United States. As the ADL has documented, there was a dramatic increase in anti-Semitic incidents in general and physical assaults upon Jews in particular last year.⁸ This too comes in the context of anti-Semitic tropes and slanders being spread by some local and national politicians.⁹

It is in this context – Orthodox Jews being explicitly slandered and Jews generally being subjected to classical anti-Semitic accusations – that visible, recognizable Jews are being targeted for physical assaults and verbal abuse and suffering this reality in an unprecedented way in this great country.

Mr. Chairman, I will conclude these opening remarks by saying that even in the face of all of this, I am not without hope.

The fact that elected leaders from President Trump to Governor Cuomo and Governor Murphy and many others have not only spoken out against this surge of anti-Semitic and anti-Orthodox Jewish attacks – but undertaken concrete actions to have our federal, state and local governments begin to respond and begin to make our communities safer gives me hope.

The fact that you – Congressman Rose and your colleagues – have convened this hearing to confront this problem and look for more effective ways we can stop it and roll it back gives me hope.

And the fact that I, an Orthodox Jew, was able to join with people of many different faiths to serve on the DHS Advisory Committee chaired by General Allen and make recommendations for how our government can protect not only America’s synagogues but also our churches and mosques and temples¹⁰ – this too gives me hope.

⁷ See <https://abc7ny.com/politics/rockland-county-gop-pulls-video-over-claims-of-anti-semitism/5501061/>

⁸ See <https://www.adl.org/audit2018> See also https://www.adl.org/adl-tracker-of-anti-semitic-incidents?field_incident_location_state_target_id=All&page=1

⁹ See brief summary contained in M. Gerson, *Rising Anti-Semitism is a Sign of America's Declining Health*, The Washington Post, January 9, 2020. https://www.washingtonpost.com/opinions/the-level-of-anti-semitism-is-a-test-of-our-nations-health-were-failing/2020/01/09/193830f2-3326-11ea-9313-6c8a89b1b9fb_story.html

¹⁰ <https://www.dhs.gov/publication/prevention-targeted-violence-against-faith-based-communities-subcommittee-membership>

I am hopeful that we can all work together to keep the prayer of President Washington the reality for the American Orthodox Jewish community.

To effectuate George Washington's prayer, I will join to it the prayer of Rabbi Chaim Rottenberg, whose home in Monsey, New York was invaded during Chanukah by a machete wielding anti-Semite. Rabbi Rottenberg delivered the prayer last week in Albany at the Governor's State of the State Address.

The rabbi prayed:

“Merciful God, bless us all with the courage to overcome tragedy, heal the wounds of hatred and bless us with solidarity to promote tolerance and brotherhood....among all our communities.”

Chairman Rose, Ranking Member Walker – all Americans must join in this prayer and in this effort. If America slides further into the swamp of anti-Semitism it means our beloved country is losing an essential element of its founding identity – to be a beacon of religious freedom to the world.

I thank you for holding this hearing today and I thank you, in advance, for the actions you will take¹¹ in the coming days and weeks to protect my community and all communities of faith and thereby protect our nation and fulfill its promise for us all.

¹¹ See A. Fagin & N. Diament, *Here's What Congress Can Do to Combat Anti-Semitism*, The Hill, January 2, 2020.

<https://thehill.com/opinion/civil-rights/476556-heres-what-congress-can-do-to-combat-anti-semitism?rnd=1577993749> appended hereto.



Here's what Congress can do to combat anti-semitism

by Allen I. Fagin and Nathan J. Diament
January 2, 2020

For the American Jewish community, 2019 was a year of enormous trauma. The second fatal attack ever on synagogue worshippers took place in Poway, California – making the prior one at Pittsburgh’s Tree of Life no longer an isolated event. Assaults upon Jews walking the streets of Brooklyn increased in violence and frequency. Patrons of a kosher grocery store in Jersey City were murdered. And the year ended with last Saturday night’s attack by a machete-wielding terrorist invading the home of a rabbi in Monsey during a Chanukah celebration.

Federal, state, and local governments have responded to these events in varying degrees. But we are now in the midst of what can only be called a crisis, and government leaders at all levels must do much more to protect Americans in their places of worship and their communities. We need our elected officials to move beyond statements of support and sympathy and take concrete action that will eliminate the ever-increasing threat to our community. There are several critical measures that Congress can and must enact as soon as possible to protect Jewish institutions as well as America’s churches, mosques, and temples, which also endured violent attacks in recent months.

First, we must dramatically increase the funding for the Nonprofit Security Grant Program administered by the Department of Homeland Security. Most synagogues and churches in the U.S. do not have the resources to install adequate security measures or hire security guards. Our organization and a coalition of faith community partners worked with bipartisan leaders to create the Nonprofit Security Grant Program (NSGP) more than a decade ago.

We did so out of a sense of concern and an abundance of caution. We did not anticipate the nightmare our community is currently confronting. The NSGP makes grants to houses of worship and other non-profits deemed to be at risk of attack. The funds are used for things such as installing hardened doors, shatterproof glass, and surveillance cameras, as well as for hiring security guards. Congress responded to the greater need by increasing the funding level to \$90 million for FY’20.

But even that higher level of funding is insufficient to meet the needs of vulnerable synagogues and churches, especially in the wake of last week’s attacks. That is why we stood yesterday with Senator Chuck Schumer as he called from quadrupling the funding for the NSGP to \$360 million. This is something that Congress ought to enact right away and not wait for the end of the standard appropriations cycle in September. The need is emergent, and it is the fundamental obligation of the government to ensure the safety and security of all its citizens.

Second, local police departments don’t have the necessary resources to increase their presence and patrols in our communities. The Department of Justice provides millions of dollars of federal assistance to local police departments for various purposes. Congress should authorize some of

those grants specifically to support the deployment of police protection to houses of worship.

Third, the FBI and other law enforcement agencies need stronger tools to enable them to open investigations and prosecute the perpetrators of anti-Semitic and other hate crimes. Leaders of law enforcement have told us that the lack of a federal domestic terrorism statute is a real impediment to their work. They are unable to open investigations into individuals for lack of such a statute. Bipartisan proposals are pending in Congress and should be considered at hearings and voted on right away.

In his famous 1790 letter to the Jewish community of Newport, Rhode Island, President George Washington prayed:

“May, the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the goodwill of the other Inhabitants; while every one shall sit in safety under his vine and fig tree, and there shall be none to make him afraid.”

Now, in the United States of America, the Children of Abraham are afraid in a way we have never been before. We are under threat of violence as we walk down a city street or enter our synagogues to pray. All Americans should be fearful of this crisis, too, for it means our beloved country is losing an essential element of its founding identity — to be a beacon of religious freedom to the world. Congress must act in the first months of the new year to protect the American Jewish community and all communities of faith to sustain President Washington’s promise to us all.

Allen I. Fagin is executive vice president, and Nathan J. Diament is director of public policy for the Union of Orthodox Jewish Congregations of America (the “Orthodox Union”)