

Testimony before the President's Commission on Law Enforcement and the Administration of Justice

Jeff Ballabon and Dr. Bruce Abramson

Chairman Keith, Vice Chair Sullivan, and Esteemed Commissioners, thank you for the opportunity to share my perspectiveⁱ as a member of a minority community with a profound stake in the outcome of this Commission's findings and recommendations: America's Jewish community, and more specifically, the community of visibly identifiable Jews. Year after year, FBI statistics confirm what those of us in the Orthodox Jewish community have long known: A Jew - and specifically, a visibly observant Jew - is, by an extremely wide margin, more likely to be the victim of a hate crime than anyone else in America.

My name is Jeff Ballabon. I have been affiliated with a number of policy institutes and think tanks and, together with Dr. Bruce Abramson, recently founded the American Restoration Institute. If this hearing were conducted in person, you would see that I am wearing the yarmulke I wear every day. I wear it as a reminder that wherever I may be, there is something above me. I wear it as a reminder of G-d.

I grew up learning from my parents and teachers that being visibly Jewish placed a burden on me; that for better or for worse, an entire group of people would be judged for my behavior and I would be judged for theirs. I grew up learning from New York's streets and subways that it placed a bullseye on me; that I would be targeted for it. Throughout my life, I have experienced attacks—verbal and physical—for the “crime” of appearing in public as an observant Jew. I could spend the balance of this submission relating anecdotes of antisemitic attacks on my person and property. And my personal experiences have been, if anything, far milder than those that have befallen many other members of my community.

As troubling as those statistics are (and I cannot back this except by anecdotal evidence, but I've asked a number of others in my community and all agree): only the tiniest fraction of antisemitic incidents are ever reported by Orthodox Jews. We are raised to expect them as part of the fabric of life. Lately, however, we sense the abuse is ratcheting up, becoming more and more acceptable, more and more violent.

I will recount two personal incidents briefly, because they are relevant to what I want to recommend to the Commission. Years ago, on an idyllic fall morning, two of my sons (then ages 8 and 5) and I, walked out the front door of our suburban home to attend holiday services only to be confronted by countless thousands of pink and white slips of paper strewn about in all directions as far as the eye could see, looking like the aftermath of a giant ticker tape parade. On them, printed in bold letters, were the words “KILL JEWS.” It was, as you can imagine, a moment both painful and scary as I stood there with my young boys. A quarter of a mile away, outside our synagogue, I knew there might be a police presence keeping a protective eye over hundreds of families. But police cannot be everywhere at the same time; they can't be on all the streets outside all the Jewish homes.

Second, quite recently, while walking towards New York's Penn Station, I took an introductory call from a potential legal client, a parent whose children were being confronted by shocking faculty antisemitism at their prominent prep school. About 30 seconds into the call, a random stranger suddenly leaned in and barked at me “F- You, Jew!” As I turned to make sure that he kept walking and didn't pose a physical threat, and to see if there were any cops around in case of escalation, the alarmed

parent on the other side of the call asked me what had just happened. “Nothing,” I said. “Walking on 8th Avenue with a yarmulke just happened.”

My point is simple: we are living in a time when antisemitic sentiments are being mainstreamed and, increasingly, they are manifesting in threatening and violent ways. My community relies heavily on law enforcement to protect us from harm, but they obviously cannot be everywhere at all times. As a family-centric community under constant threat, America’s Orthodox Jews have worked hard to develop excellent relationships with local law enforcement. We have taken time to learn police culture, and to teach the police about our own culture. We believe that our experience has a great deal to offer other communities.

Today, I will leave the Commission with two concrete recommendations. First, that the relationships that have evolved between Orthodox Jewish communities across America and local law enforcement are worthy of study and analysis. There are a number of community leaders who, together with their law enforcement counterparts, would make excellent resources. This is not a centralized process devised by theoreticians or experts; it is a series of authentically community-driven relationships and initiatives which are working extremely well. If the Commission desires, we are happy to assemble a list of suggested individuals whose hard work has yielded outstanding results. Certainly, our communities are unique, but there may well be best-practices lessons learned that are adaptable in other unique communities as well.

That first recommendation is fairly intuitive and needs little further explanation. The existence, extent, and success of such outreach simply may not be on policy-makers’ radar.

My second recommendation may be a bit more esoteric, but it is a groundbreaking initiative that would greatly assist law enforcement at the local level as well as policymakers at all levels deal with the rising culture of antisemitism and associated hate crimes. The model I propose relates uniquely to Jews, but core elements can be adapted for other communities in order to focus on prevention and preemption, a more effective distribution of police resources, and a more precise understanding of threats and when and where force may be needed.

Year after year, FBI statistics show that Jews, who comprise less than 2% of America’s population, are the victims of hate crimes more than all other religious groups combined.ⁱⁱ The topics under consideration here today are of vital interest to America’s Jews, whether traditionally observant, liberal, self-identifying, and even self-denying. More visibly Jewish individuals may bear the brunt because we are simply more in evidence, but antisemites have never differentiated based on observance, theology, philosophy, politics, or affiliation. They simply have a problem with Jews.

In recent years, antisemitism has surged around the globe, including in America. Synagogues were the scenes of two mass shootings: a liberal congregation in Pittsburgh, PA in 2018 and an Orthodox Chabad house in Poway, CA in 2019. In far less spectacular fashion, recent years also witnessed a stunning rise in antisemitic street crime directed at visibly Orthodox Jews. This wave of violent hate received almost no attention, and no media coverage, outside the Orthodox community—until it erupted in savage bloodshed in Jersey City, NJ and Monsey, NY last December.ⁱⁱⁱ

Those grisly scenes finally drew some notice. Thousands marched across the Brooklyn Bridge on a cold January morning speaking out against hate.^{iv} Despite the well-meaning participation of the marchers, the event itself did nothing to address the ongoing violence. Worse, it was run in a way

neither welcoming nor inclusive, for all intents and purposes leaving out those in the community that had been directly targeted. To many of us, it felt like exploitation; adding insult to already grave injury. Meanwhile the media – in sharp contrast to their sympathy for other minorities in the wake of hate attacks – offered up a series of excuses and justifications for attacks on Orthodox Jews, essentially blaming Orthodox Jews for being preyed upon.^v When it comes to violence against Jews, particularly visibly identifiable Jews, the calculations are reversed. America’s Jewish establishment—first to champion the cause of so many other oppressed groups—is shamefully reticent to stand for us.

I have dedicated much of my life to fighting antisemitism in various forms and it has never been as bad as it has become in the past decade. Years ago, law enforcement cautioned me that my name appeared on online Islamist terror target lists but that I could do little other than avoid telegraphing my movements. And, in the immediate aftermath of 9/11, Attorney General Ashcroft designated me the primary point of contact with the American Jewish community in the event of credible threats against Jewish targets.

As grim as those days were, I am far more concerned today, when the threat is not of spectacular attacks from outside, but rather the drastic erosion of America’s own cultural norms. The biggest threat to American Jews today is the new normalization of that old hatred, antisemitism.

America’s Jews are under attack merely because we are Jewish. We are infinitely grateful for the assistance we receive from law enforcement. We are deeply concerned that the current movement to defund or weaken the police will render us defenseless against those who mean to attack us.

We understand that we are far better served with a proactive program of crime prevention than with any amount of reactive police work. By keeping the focus of our relationship on safety and prevention, we stay well within the competency of the police. But it’s also necessary to understand the nature of the threat. On March 1, 1994, a Lebanese immigrant opened fire on a van full of Orthodox Jewish teenagers, wounding three and killing one, Ari Halberstam. Both federal and state authorities refused to characterize the attack as either an antisemitic attack or a terrorist attack. Ari’s mother Devorah fought relentlessly to get authorities to understand the nature of the attack. It took her nearly seven years, but the attack was finally reclassified. For the last 20 years, bereaved Chasidic mother Devorah Halberstam^{vi} has been training local, state, and federal law enforcement in the United States as well as international law enforcement to understand terror threats. Unfortunately, as the most targeted minority in America, our community has much to teach law enforcement from direct front line experience.

I want to recommend adding to law enforcement’s – and society’s – predictive and preventative capabilities. My colleagues and I, in collaboration with world class data and sentiment researchers^{vii} and experts in the study of antisemitism,^{viii} are taking a fresh look at the data on hate crimes. **Historically, hate crime laws have served a primarily punitive function – prosecution and punishment.** As such, they have long raised the specter of inviting dangerous political mischief. As we see playing out with turbulent eruptions over social media policies, charges of “hate” and “racism” already are being wielded as political swords as well as shields, including very actively by those who mean Jews and other populations harm. With the rapidly increasing mainstreaming of antisemitism in politics, it is only a matter of time before the instrumentalities of government are used to turn hate crimes laws against disfavored beliefs. That will surely include Jews, but just as surely not be limited to Jews.

Whether the problematic punitive aspects are addressed or not, however, we believe that the data can be put to better use. **We would like to see them applied to prevention – to policing and protection.** Though our work to date has focused exclusively on antisemitism, we believe that elements of it could apply to help protect any community for which hate crimes data are tracked.

A data-driven approach would help allocate resources—both community resources and law enforcement resources—to where they are most needed as deterrents and defense. Furthermore, any focus on data has a way of organizing the conversation. For decades, one of the greatest barriers to fighting antisemitism was a lack of formal definitions combined with all manner of political interests looking to exploit the charge of antisemitism. Data are meaningless unless they are consistent, and consistency requires clear, precise definitions. Only with suitable definitions of terms like “hate,” “racism,” or “antisemitism” can we possibly make sense of any data—whether data already collected, or data we collect in the future. The discussions leading to accepted definitions on their own can prove invaluable to bridging the gaps between participants. Far too often, well-intentioned parties talk past each other because words mean different things to those uttering them and those hearing them. And those of bad faith can and inevitably will exploit the confusion.

In the context of antisemitism this threshold problem has been solved by the International Holocaust Remembrance Alliance (IHRA) which has developed an internationally recognized definition of antisemitism, along with eleven illustrative examples of the definition in action.^{ix} The IHRA definition has been accepted by dozens of countries including the United States and Israel. In the United States, it has been implemented by both Democrat and Republican administrations.^x

This innovation is critical. For the first time, the IHRA definition has allowed us to draw sharp distinctions between countries and organizations eager to embrace it in full, and those who feel a need to edit or reject it to excuse their own antisemitism. Comparable exercises are applicable to other communities. If there is no consensus definition, terms like “hate” and “racism” will continue to be manipulated as political tools by all sides, exacerbating actual hatreds and racist impulses, fraying society.^{xi}

Beyond the mere definition of terms, however, a good data study must define appropriate categories and parameters to track, measure, and understand occurrences and outbreaks. Again, the discussions leading to such definitions are often invaluable in and of themselves—even prior to the collection of any data. Returning to the IHRA definition that has animated our work on antisemitism, IHRA’s illustrative examples lend themselves to a series of testable cultural values.

We overlay these testable values with the observation that antisemitism infects people like a virus – an oft used simile, but never before tested as a useful protocol. We observe that antisemitic ideas^{xii} pass from person to person within a community or across communities. There is silent asymptomatic spread; there are super-spreaders; and there are clusters and nodes of infection that move across state lines (and around the globe) - instantaneously these days thanks to social media. Antisemitism regularly mutates and metastasizes. It will manifest differently in different host cultures, but at its core, there are elements of the disease that are unique, consistent, and identifiable.^{xiii}

Finally, there exist a number of environmental risk and mitigation factors that can be tested that help us understand how antisemitism travels – exposure to certain literature, media, curricula, ideologies, institutions, etc.

The second innovation is a set of tools we've identified that were developed and have been successfully deployed to track the spread of deadly diseases by soliciting information from random Internet users. These tools are capable of working in both directions – not just investigating antisemitism, but also delivering provably mitigating messages.

These real-time tools and techniques can be deployed in compliance with all applicable privacy laws, and without collecting any personally identifiable data.

Our data-driven approach promises widely useful and deep insights into where, when, why, and how various strains of antisemitism take hold, mutate, and become dangerous. It also offers unique benefits to policing. No matter how many obvious static targets like synagogues you protect or harden, every Jew walking in a yarmulke and every house with a mezuzah on the front doorpost, is a target to violent anti-Semites. Knowing what factors and influencers combine to create threats can help policymakers address them and help law enforcement assign resources. The technologies we are working with are able to deliver intelligence in real-time – with literally hourly updates.

The combination of a consensus definition with these now proven tools for sentiment analysis allows us to understand, visualize, and anticipate antisemitism for the first time. We therefore invite this Commission to support our national epidemiological study of antisemitism, with an eye to maximizing (a) its utility for preventative law enforcement and (b) its potential for replicability beyond antisemitism. Many of these same tools should be adaptable to protecting populations from hate crimes other than antisemitism.

In parallel with our Antisemitism Epidemiological Mapping Project, we also are prepared to broaden the application of the sentiment data research capabilities. Our first step would be to work with other stakeholders to develop fixed, formal, definitions of terms like “racism” and “hate,” along with illustrative examples, modeled after the IHRA definition of antisemitism. We believe that that process itself would be a significant contribution to law enforcement and the administration of justice in an ever more divided United States.

Thank you, again, for the opportunity to submit this testimony.

ⁱ Because of the number of personal anecdotes, Jeff Ballabon, who will testify, is submitting this testimony in the first person. However, the analysis and recommendations are submitted jointly by the two signatories to this written submission, Jeff Ballabon and Bruce Abramson.

ⁱⁱ <https://www.fbi.gov/services/cjis/ucr/hate-crime>.

ⁱⁱⁱ https://en.wikipedia.org/wiki/2019_Jersey_City_shooting;
https://en.wikipedia.org/wiki/Monsey_Hanukkah_stabbing.

^{iv} <https://www.jta.org/2020/01/05/united-states/25000-march-against-anti-semitism-in-new-york-city>

^v <https://www.nationalreview.com/corner/stop-blaming-jews-for-anti-semitism/>

^{vi} <https://www.tabletmag.com/sections/news/articles/devorah-halberstam-antisemitism-brooklyn>

^{vii} www.RIWI.com

^{viii} www.isgap.org

^{ix} <https://www.holocaustremembrance.com/working-definition-antisemitism>

^x <https://www.state.gov/defining-anti-semitism/>; <https://www.whitehouse.gov/presidential-actions/executive-order-combating-anti-semitism/>

^{xi} https://www.theepochtimes.com/racism-vs-structural-racism_3382896.html

^{xii} The notion of what constitutes uniquely “antisemitic ideas” rather than generic bigotry, prejudice, or hate is beyond the scope of this testimony, but we recently described it here:

<https://www.tabletmag.com/sections/news/articles/holocaust-education-antisemitism>

^{xiii} Ibid