

## **Oppose the Trivialization and Misuse of the Holocaust in Oregon Public Schools**

Statement Opposing SB 664 (2019)  
Oregon Senate Committee on Education Public Hearing of February 20, 2019, 1:00 p.m.  
Oregon State Capitol, Room HR B, Salem, OR  
[sed.exhibits@oregonlegislature.gov](mailto:sed.exhibits@oregonlegislature.gov)

*Revised: Version III, 20 February 2019*

### Executive Summary

- SB 664 will result not in education but propaganda, imposing a narrow partisan view on history leading directly to ideological browbeating and indoctrination of students.
- SB 664 links genocide to situations in which a group suffers real, trivial, or even imagined harm, grossly distorting history and trivializing genocide and the Holocaust.
- SB 664's language suggests that the goal is to conflate genocide with other forms of prejudice in ways that are historically inaccurate so as to politicize the curriculum.
- SB 664 is counterproductive, there being evidence that the perverse results of such programs divide rather than unite, making stereotyping and discrimination more likely.
- SB 664 is an irresponsible attempt to reduce Oregon's complex history to "genocide," a serious disservice that the legislature needs to thwart rather than impose.
- SB 664 requires one-sided social activism by students.
- SB 664 exhibits profound political bias and attempts to repress diverse viewpoints. Passage will increase student flight from the public system.

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### Overview

Senate Bill 664 (2019) imposes a mandate on public schools in Oregon to provide instruction concerning the Holocaust, other examples of genocide, and “similar acts of mass violence” in world history. The bill is part of a wave of anti-genocide legislative mandates at the state level in the United States. Between 1989 and 2018, 10 states adopted such mandates while a further 19 have pledged to do so.<sup>1</sup> Despite good intentions, this legislation is deeply flawed and should be abandoned in its present form. By using the blunt instrument of legislation to shape Oregon’s educational curriculum on historical issues, the Senate is following a problematic pathway of

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<sup>1</sup> Susan Bitensky, “The Plot to Overthrow Genocide: State Laws Mandating Education About the Foulest Crime of All,” *Marquette Law Review*. Fall2018, Vol. 102 Issue 1, pp.51-79.

imposing mandates which will have negative unintended consequences. Most gravely, the legislation would trivialize the Holocaust, encourage abusive and partisan education in public schools, and waste the time and energy of teachers. This sort of approach to public education is flawed and harmful.

### Meaning of Genocide

The term genocide generally connotes the *intentional* act of *killing* large numbers of an identifiable group. The United Nations in 1946 called it “a denial of the right of *existence* of entire human groups” and explicitly aligned the meaning of genocide with the definition of homicide.<sup>2</sup> Among the biggest contemporary genocides since the Holocaust have been those in Rwanda (1994), Nigeria (1967-70), Burma (2017-18), China (1959-61 and 1966-76), Cambodia (1975-79), D.R. Congo (1996-7), Burundi (1972), and Bosnia and Serbia (1991-1995). Genocide happens all too frequently and is evil. Education about genocide is an important and worthy goal.

### Inappropriate Linkage to Discrimination and Prejudice

The language of the bill suggests that the motive of the legislation is not to educate Oregon students about genocide in modern world history but instead to engage in a conflation of genocide with discrimination or other forms of prejudice. Section 1-2-h, for instance, mandates that the required instruction should “provide students with a foundation for examining the history of discrimination in this state” while Section 1-2-f mandates that the instruction should be designed to “enable students to understand the ramifications of prejudice, racism and stereotyping.”

The implication is that “discrimination” and “stereotyping” are just one step away from genocide, a claim that grossly trivializes the momentous nature of genocide. The claim is also historically inaccurate since many instances of genocide were *not* preceded by obvious situations of discrimination or stereotyping. For instance, the greatest genocide in world history – communist China’s killing of 40 million peasants between 1959 and 1961 – came at the hands of a regime that elevated the peasants to the highest social standing and claimed to be based on an alliance of “workers and peasants.”

The supporters of the bill are willful in their eliding of genocide with various social justice agendas. The most obvious evidence of this is OJMCHE Manager Amanda Solomon’s submitted testimony to this hearing (see Appendix III). In it, Mrs. Solomon enthuses that SB 664 will allow teachers to force on students their particular notions of “unjust structures”, “systems of oppression”, “everyday injustices”, “intimidation”, “appropriation”, “segregation”, and “exclusion”. All of these things, she claims, are “precursors to genocide.” In this high-stakes political re-education camp for students, teachers will also “force them to confront their role” as potential genocidal agents. Students (presumably only those of certain racial and ethnic groups) will in addition be forced to bear ascriptive shame and “look *introspectively* at Oregon’s history of discrimination.” It is hard to imagine better documentary evidence of the problems with SB 664 than the submitted testimony of its main proponent.

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<sup>2</sup> UN General Assembly Resolution 96 [I]

## Trivialization of the Holocaust

The Jerusalem Center for Public Affairs defines Holocaust trivialization as “a tool for some ideologically or politically motivated activists to metaphorically compare phenomena they oppose to the industrial-scale destruction of the Jews in World War II by Germans, Austrians, and their allies.”<sup>3</sup> An official with the Anti-Defamation League wrote in 2014 of “an epidemic of invoking offensive Holocaust analogies in discussions of controversial subjects” which had “become all-too common in popular culture and the public square.”<sup>4</sup> SB 664 will serve to lessen the Holocaust’s singularity and importance, by reducing it to just one more example of discrimination. As Professor Michael Weingrad of The Harold Schnitzer Family Program in Judaic Studies at Portland State University writes in his testimony on this bill (see Appendix below): “What the students and the citizens of our state need is not the intellectually sloppy if well-meant conflation of the Holocaust with other social ills, but specific, historically grounded education, free of clumsy political fashion.”

The attempt to legislate education on genocide risks dishonoring the memories of Holocaust survivors and victims by trivializing the Holocaust itself. The Holocaust is the archetype of the concept of genocide and as such has a special place in historical education. Not surprisingly, it already receives due attention in middle school and high school education in Oregon. The sacred memory of the Shoah not just for Jews but for Western societies as a whole should not be lightly trivialized in ill-thought legislation. Unthinking legislation dishonors this most evil of historical events and minimizes the enormity of the Shoah for the Jewish people. By eliding education about the Holocaust with education about various forms of injustice – real and imagined -- SB 664 is a case study in Holocaust trivialization.

## Trivialization of Genocide

Even if the Holocaust is considered as just one of a group of evil events known as genocide, the attempt to make education of these events interchangeable with education about mass violence, lesser violence, discrimination, racism, and injustice is a trivialization of this greatest of evils. This is not just legally and ethically problematic but as a matter of social science and history it is inaccurate because the causes and processes of genocide are generally regarded as distinctive from other forms of inter-group violence.<sup>5</sup>

## Conceptual Stretching and Drift

By including in the mandate all forms of “genocide” (not defined) as well as “similar acts of mass violence” (not defined), the legislation sanctions what has become an epidemic of conceptual stretching and drift surrounding the terms Holocaust and genocide. Such sanctioning is the most profound disservice to the victims and survivors of such events. Given its rhetorical power, the term genocide has been widely misused by social and political activists to attach importance to their particular concerns. Through **conceptual-stretching** (the use of adjectival

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<sup>3</sup>Dr. Manfred Gerstenfeld, “Holocaust Trivialization”, 9 April 2008, <http://jcpa.org/article/holocaust-trivialization/>

<sup>4</sup> Abraham Foxman, “Inappropriate Comparisons Trivialize the Holocaust,” *Florida Sun-Sentinel*, 27 January 2014. [www.adl.org/news/op-ed/inappropriate-comparisons-trivialize-the-holocaust](http://www.adl.org/news/op-ed/inappropriate-comparisons-trivialize-the-holocaust)

<sup>5</sup> Beitel van der Merwe, “Reflections on the Trivialisation of Genocide: Can We Afford to Part With the Special Stigma Attached to Genocide?”, *South African Journal of Criminal Justice* 29, pp 116 –139 (2016).

modifiers such as “cultural”, “economic”, or “spiritual”), the term genocide is today used for all sorts of perceived harms that have nothing to do with killing.<sup>6</sup> Thus, for instance, the residential school system for indigenous children in the United States and Canada of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, which met *none* of the United Nations criteria of genocide, is now regularly cited by scholars as an act of genocide by claiming that it caused “intergenerational trauma and cultural disintegration”.<sup>7</sup> The students are called “survivors”.

Through **conceptual drift** (the permissive application of a concept beyond its intended uses) the term genocide has been applied to many instances in which inter-group violence and killing occurs. Writing about a similar conceptual drift in the treatment of “trauma”, one scholar notes that this “runs the risk of pathologizing everyday experience and encouraging a sense of virtuous but impotent victimhood.”<sup>8</sup> This conceptual stretching and conceptual drift serves both to undermine the enormity of genocide and to grossly distort the historical realities of other instances in which one group may have suffered harms. SB 664 is silent on the meaning of genocide or on the conceptual-stretching and drift to which the term has been subject. This has dangerous implications for how the mandate may be applied by teachers and administrators who are regular consumers or even advocates of such misconceptualizations.

### Worsening of Prejudice and Inter-Cultural Misunderstanding

The legislation is intended to “develop students’ respect for cultural diversity” (Section 1-2-a). Yet there is much evidence that mandated training and instruction in cultural diversity or cultural competency – as opposed to encouraging forms of interaction in which this respect arises naturally – has perverse consequences. It may reinforce group identities and make stereotyping and discrimination *more* not less likely.<sup>9</sup> Mandatory genocide education in Oregon could have the perverse result of creating *less* not more historical understanding of genocide and cultural diversity, as a result, bring *more* not less group-based antagonism and conflict. Given the context of the education sector in Oregon (discussed below), there is every reason to suppose that the sorts of worst-practice designs that have caused such consequences elsewhere are *likely* to result from this legislation. By unintentionally feeding the sense of victimization and separateness among groups in this way, the legislation risks undermining the sense of shared identity and purpose among Oregonians without which disadvantaged groups in particular will suffer because of a degradation of trust and reciprocity on which social advance depends. The purpose should not be to disregard history but to recognize shared goals and progress against the backdrop of many setbacks and failures. Turning classrooms into identity politics re-education camps will not achieve that purpose.

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<sup>6</sup> Lawrence Davidson, *Cultural Genocide* (Rutgers University Press, 2012).

<sup>7</sup> David B. MacDonald and Graham Hudson, “The Genocide Question and Indian Residential Schools in Canada”, *Canadian Journal of Political Science*, Vol. 45, No. 2 (June 2012), pp. 427-449.

<sup>8</sup> Nick Haslam, “Concept Creep: Psychology’s Expanding Concepts of Harm and Pathology,” *Psychological Inquiry*, 27, 1: 1–17 (2016)

<sup>9</sup> Daphne Patai. “Cultural Competence, Identity Politics, and the Utopian Dilemma.” Pp. 403-40 in *Cultural Competence in Applied Psychology: An Evaluation of Current Status and Future Directions*, edited by Craig L. Frisby and William T. O’Donohue. Cham: Springer International Publishing (2018).

### Abusive Atmosphere for Public School Students

By using the highly-charged language of “perpetrator, collaborator, bystander, victim and rescuer” (Section 1-2-e), the bill creates a toxic atmosphere in which students will be expected to learn to label others as “evil” or “good”, a situation deeply redolent of Mao’s catastrophic Cultural Revolution in China (which killed between 1 and 3 million people). It would provide a greenlight for public school teachers to turn the teaching of history in our public schools into little more than a spectacle of shaming and humiliation against students who are taken, by ascription, to be linked to “perpetrators” and “collaborators”. In addition to the abusive atmosphere this could create, it would undermine historical understanding. This bill would prevent a scrupulous, even-handed teacher from presenting history accurately. Its probable effect will be to empower the large body of activist teachers who already substitute partisan polemics for teaching history.

The bill also contemplates forcing students to join in “protest” (Section 1-2-d), which goes beyond any educational purpose. Indeed, it seems to suggest that the authors of the legislation do not have much faith in knowledge, truth, and education – or its persuasive role – and instead believe students should be pressed into state-mandated political activism as a substitute for education.

### Evidence of Abusive Practices by Portland Teachers

Evidence that Oregon public school teachers have already misused the concept of “genocide” to advance in the classroom unrelated political agendas is not hard to find. The Portland Association of Teachers, for instance, sponsors an annual “Teaching for Social Justice” conference co-sponsored by the Milwaukee-based organization Rethinking Schools that is at the forefront of attempts to turn public schools into identity politics-based places of hatred and shaming.<sup>10</sup> Rethinking Schools provides lesson plans for how teachers can “study definitions of genocide and talk about current issues of race in the community or possible racial tensions in the school” as if genocide and racism are interchangeable. In another module, it provides instructions on how to teach students that the United Nations-sanctioned First Gulf War which restored Kuwait’s independence from attempted Iraqi annexation in 1991 was really an American genocide against the Iraqi people.<sup>11</sup> One can find many more examples where Oregon public school teachers have been complicit or active in intentionally importing the language of “genocide” into unrelated political advocacy. If such advocacy is given the sanction of Senate legislation, there is every reason to believe it will worsen.

### Misuse for Education About Black American Experiences

Although the bill is not specific beyond the Holocaust, it is clear from the language, especially the reference to providing “a foundation for examining the history of discrimination in this state” (Section 1-2-h) that the intention is to borrow the language of “genocide” to apply to episodes of American and Oregon history where that term is deeply contested to say the least. For instance, some contemporary black American activists and scholars insist that the racial segregation in the

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<sup>10</sup> See the program for the 2018 conference at: [https://nwtsj.org/wp/wp-content/uploads/2018/10/11th\\_Program2018.pdf](https://nwtsj.org/wp/wp-content/uploads/2018/10/11th_Program2018.pdf)

<sup>11</sup> See the articles at: <https://www.rethinkingschools.org/articles/rethinking-agatha-christie> and <https://www.rethinkingschools.org/articles/resources-173>



American South in the late 19<sup>th</sup> through early 20<sup>th</sup> centuries constituted genocide and should be taught as such.<sup>12</sup> Teachers could easily cite such studies as “scholarship” and “best practice” thinking against which defenseless students would have little choice but to submit. It would also be necessarily selective since some black leaders use the term genocide to describe pervasive black-on-black violence in the United States.<sup>13</sup>

### Misuse for Education About Native American Experiences

The potential for misuse in education about native American experiences in Oregon is already manifest and would be worsened by SB 664. The Portland Public Schools system, for instance, has officially adopted for its middle school American history textbook the activist Howard Zinn’s *A Young People’s History of the United States*.<sup>14</sup> This work insists that all “Europeans who came after” Columbus were accessories to genocide without any attempt to distinguish specific events or peoples in American history.<sup>15</sup> By insisting that American history is a history of “conquest, slavery, and death”, Zinn makes a claim that the European settlement of America was *nothing but* a genocide and that this is *the* central fact of American history. Presumably, since this is the officially adopted textbook, alternative views would, according to SB 664 be considered “misinformation.” Would persistence in those views make students appropriate objects of “protest” by their teachers and fellow students as “perpetrators” or “collaborators”? Would there be an opportunity for students to contest the Zinn interpretation? How would teachers instruct students about the historical issue of the genocidal acts of native American groups against one another prior to and during European settlement?<sup>16</sup>

Whatever historical debates exist on Native American and First Nation Canadian responses to residential schools, for instance, linking them to genocide or mass violence is a serious disservice. Native responses ranged from enthusiasm to disappointment to rejection, and one of the paradoxical results of their varied responses was a strengthening of native identity.<sup>17</sup> How will students be able to grapple with that sort of historical complexity if their teachers are running classrooms in which students are taught to root out “collaborators” and “bystanders” for immediate condemnation under legislation which allows the permissive and irresponsible language of genocide to be applied to practically any instance of historical harm against any group?

Oregon’s own history is a complex story of settlement, cooperation, genocide, assimilation, strategic contention, and mutual indifference. To reduce the entire history of Oregon’s settlement

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<sup>12</sup> Allan Cooper, “From Slavery to Genocide: The Fallacy of Debt in Reparations Discourse,” *Journal of Black Studies*, Vol. 43, No. 2 (March 2012), pp. 107-126

<sup>13</sup> Russ McQuaid, “It’s a genocide” says leader after black homicide study released,” *Fox59 News*, April 22, 2018, <https://fox59.com/2018/04/22/its-a-genocide-says-leader-after-black-homicide-study-released/>

<sup>14</sup> Steffoff, Rebecca, and Howard Zinn. 2007. *A Young People’s History of the United States*. New York: Seven Stories Press, pp9-13.

<sup>15</sup> Michael Kazin, “Howard Zinn’s History Lessons”, *Dissent* (Spring 2004), pp.81-85; Walter Kirn, “Review: A Young People’s History Of The United States,” *New York Times Book Review*, 17 June 2007, p. 14

<sup>16</sup> Douglas B. Bamforth, “Indigenous People, Indigenous Violence: Precontact Warfare on the North American Great Plains,” *Man*, Vol. 29, No. 1 (March 1994), pp. 95-115; also Andrew J. Clark and Douglas B. Bamforth (eds.), *Archaeological Perspectives on Warfare on the Great Plains*, Boulder: University Press of Colorado (2018).

<sup>17</sup> McBeth, Sally J. 1983. *Ethnic Identity and the Boarding School Experience of West-Central Oklahoma American Indians*. Washington, D.C.: University Press of America.

to “genocide” is a serious disservice that any legislative act needs to consider carefully before throwing such a powerful and potentially abusive tool into our public schools. As the American historian Dr. Gray Whaley wrote in an *Oregon Historical Quarterly* symposium in 2014:

Is genocide an effective explanatory term for American Indian experiences with the United States? In the many specific instances of citizen militias and (mostly post–Civil War) regular troops attempting to exterminate targeted villages and bands of aboriginal Americans, the answer can only be yes. As a general explanation, however, Native experiences were too varied, as were the actions of officials and citizens, and the answer must be no. More importantly, American Indians have worked too hard at balancing accommodations and resistance to U.S. colonial policies over the past two centuries to have their main narrative reduced to that of victims of genocide. Genocide must have its place in the history of American Indians and the United States, but it is a nuanced one and for good reason. Genocides continue around the world. Diluting the term from a specific crime of mass murder to a generalized condemnation of colonialism is a dangerous road to take.<sup>18</sup>

#### Misuse for Anti-Israel Classroom Advocacy

By inadvisably importing the language of genocide into the curriculum without careful thought, SB 664 could unleash a wave of anti-Israel education in Oregon public schools. Through conceptual-stretching and drift, the plight of Palestinians is now normally discussed by anti-Israel scholars as genocide.<sup>19</sup> Education about the Holocaust under SB 664 would quickly become a fig leaf allowing teachers to insist, citing articles from anti-Israel or even anti-Semitic scholars, that Israel’s policies towards the Palestinian people are a necessary part of the new genocide education.

The 2016 Teaching for Social Justice conference held at Madison High School in Portland, for instance, included training on how to “explore the experiences and feelings of people living under occupation” in Palestine and on how to get the Palestine issue into the curriculum “because teaching about Palestine/Israel is so often silenced.”<sup>20</sup> Rethinking Schools encourages public schools teachers have “a moral and an educational responsibility to speak out” against Israel, including by “joining the movement to boycott, divest from, and sanction Israel (BDS) for its denial of human rights to Palestinians.” A public charter school teacher in Portland wrote for the organization about his teaching as part of this agenda.<sup>21</sup>

With SB 664, the teacher-activists would be given encouragement to engage in anti-Israel political advocacy in the classroom. What is intended as a way to honor the Jews who suffered

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<sup>18</sup> Gray Whaley, “A Reflection on Genocide in Southwest Oregon in Honor of George Bundy Wasson, Jr.,” *Oregon Historical Quarterly*, Vol. 115, No. 3 (Fall 2014), pp. 438-440.

<sup>19</sup> Rashed, Haifa; Short, Damien; Docker, John. “Nakba Memoricide: Genocide Studies and the Zionist/Israeli Genocide of Palestine,” *Holy Land Studies*, May 2014, Vol. 13 Issue 1, p1-23.

<sup>20</sup> [https://nwtsj.org/wp/wp-content/uploads/2018/06/9th\\_Program2016\\_FINAL.pdf](https://nwtsj.org/wp/wp-content/uploads/2018/06/9th_Program2016_FINAL.pdf)

<sup>21</sup> Ken Gadbow, “Portland to Palestine: A Student-To-Student Project Evokes Empathy and Curiosity.” <https://www.rethinkingschools.org/articles/p-portland-to-palestine-a-student-to-student-project-evokes-empathy-and-curiosity-p>



under the Holocaust may become the basis on which the same group is unfairly stigmatized as a “perpetrator” and “collaborator” of genocide in classroom instruction.

### Misuse for Political and Economic Critiques

Oregon public school teachers often make no excuses for their open and partisan teaching on political and economic issues. That creates a significant danger that “genocide education” will be used to selectively promote those viewpoints in the classroom through selective and distorted treatments of history. SB 664 will unleash on unsuspecting and vulnerable Oregon students a wave of partisan political activism by public school teachers and administrators for whom the term “genocide” is interchangeable with “social injustice.” In the hands of public school teachers and administrators who have proven themselves to be profoundly partisan and often simply uninterested in objective education, the legislation is a dangerous tool.

For instance, genocide *may* be an appropriate label to apply to episodes in which one group intentionally seeks to murder larger numbers of another group through violence but where group differences are defined not by social identity but by political viewpoint. Thus the case of the Argentina junta’s “dirty war from 1976 to 1983 may fit this category. However, if genocide education of that sort were to be included, it would important to include in the same category instances in which left-wing revolutionary movements killed large numbers of people from the “wrong” class, most notably Soviet leader Joseph Stalin’s state-imposed famine in the Ukraine in 1932-33 that killed 7 million people. However, given that many public school teachers in Oregon revere the memory of such revolutionary leaders – including displaying portraits of Cuba’s chief political persecutor Ernesto “Che” Guevara, who invented the idea of the political extermination camp – it is not clear that such episodes would be treated.

Similarly, widespread anti-capitalist sentiments among teachers could easily find scholarly support for inclusion in genocide education. One scholar blamed the genocide in Rwanda in 1994 to Western coffee drinkers.<sup>22</sup> Another book widely cited among radicals written by a union activist in San Francisco claims that the various famines resulting from rapid population growth in the late 19<sup>th</sup> century were “Victorian Holocausts” caused by Western capitalism.<sup>23</sup> A similar argument that “capitalism” was a genocidal force in Oregon’s history has been made by a French-Canadian historian at New Hampshire’s Franklin Pierce University.<sup>24</sup>

The reference in Section 1-2-d that the mandatory instruction should stimulate students to “combat misinformation” begs the question of whether such misinformation will be included because it aligns with the partisan preferences of the educators.

### Lack of Policy Analysis

What seems most worrying in light of the many concerns raised above is that the Senate and its policy staff seem to have failed to engage in the most rudimentary **policy analysis** in their formulation of SB 664. In writing the legislation, the bill’s four co-sponsors have not provided

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<sup>22</sup> Isaac A. Kamola , “Coffee and Genocide,” *Transition*, No. 99 (2008), pp. 54-72.

<sup>23</sup> Davis, Mike. 2001. *Late Victorian Holocausts: El Niño Famines and the Making of the Third World*. London: Verso.

<sup>24</sup> Melinda Marie Jetté, “Dislodging Oregon's History from its Mythical Mooring: Reflections on Death and the Settling and Unsettling of Oregon” *Oregon Historical Quarterly*, Vol. 115, No. 3 (Fall 2014), pp. 444-447

analysis of what the **problem** is that the legislation seeks to solve given that Oregon already has robust education and institutions dedicated to Holocaust remembrance. There is no evidence provided concerning the **monitored effects** and **overall evaluations** of similar legislative mandates in other states or countries. Have such mandates actually worked as expected elsewhere and what is the measure of policy success and the evaluation of the cost-effectiveness of such success? There is no attempt to **forecast** the expected outcomes of the policy once it takes effect on July 1, 2020, nor any consideration of potential **feasibility** constraints relating to capacity, educational materials, or resources. There is no consideration of potential **unintended consequences** such as those discussed in this brief. And there is no discussion of potential **alternative policies**, or community-based approaches, that might be more effective. In short, the Senate proposes to impose a mandate on the Oregon public school system without the remotest idea of what it expects and whether that is likely to occur. This is bad policy-making with potentially gravely harmful consequences.

### Concerns About Legislative Process

SB 664 seems to have been introduced based on the advocacy of the Oregon Jewish Museum and Center For Holocaust Education and by the Portland-based Next Generations Group of descendants and survivors of the Holocaust and their supporters.<sup>25</sup> The two groups have engaged in a campaign to encourage their members to submit petitions and appear at the Senate Education Committee meeting of February 20, 2019.<sup>26</sup> At best, the groups are willfully naïve about the consequences of this legislation. At worst, the import of wanton identity politics into public education in Oregon may be welcomed. Either way, the use of Holocaust survivors or their descendants by the two groups to advance legislation on which reasonable Oregonians may disagree is manipulative and dishonorable.

While sincere and laudable in its aims, the result of this interest group advocacy has been legislative inflation and logrolling. If the OJMCHÉ intended through this advocacy to heighten awareness of the Holocaust, the results of this legislation will be to trivialize and undermine that goal. The expansion of the legislation beyond Holocaust education in order to attract additional sponsors had led to the undermining of the initial legislative intent. Legislative concerns seem to have centered around virtue-signalling rather than measurable good governance or policy outcomes. Were any litigation to arise in connection with this bill, the job of divining legislative intent would be difficult if not impossible.

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<sup>25</sup> See the email and phone call scripts under “Join OJMCHÉ in Supporting Mandated Holocaust And Genocide Education,” January 28, 2019. [http://www.ojmche.org/app-news/join-ojmche-is-supporting-mandated-holocaust-and-genocide-education?fbclid=IwAR1yvGIJktLm5\\_JRz6iudUGzKnZiBB34IBxEDmrw6sIJJaVIkMzgz6c6R70k](http://www.ojmche.org/app-news/join-ojmche-is-supporting-mandated-holocaust-and-genocide-education?fbclid=IwAR1yvGIJktLm5_JRz6iudUGzKnZiBB34IBxEDmrw6sIJJaVIkMzgz6c6R70k)

<sup>26</sup> “I have some exciting news to share with you! On Wednesday, February 20th at 1pm the Holocaust and Genocide Education Mandate will be heard in front of the Senate Education Committee. We would love for as many people as possible to join us in Salem so we can SHOW a strong support base!”. Amanda Solomon, Manager of Museum and Holocaust Education, OJMCHÉ. <https://nextgenerationsgroup.wordpress.com/news/>

### The Legislation is Not Fixable

In theory, the Oregon Department of Education, which is required by the bill to “provide technical assistance” for the implementation of the legislation, could pro-actively ensure that the abuses and unintended consequences that are so evidently likely to result from this legislation could be prevented. However, the capacity of the Department to design, implement, and monitor this mandate in such a fashion -- given the strong prevailing forces that will mitigate against success -- lead to the recommendation that the legislation be wholly abandoned rather than simply revised. The Oregon Jewish Museum and Center For Holocaust Education should be encouraged by all stakeholders to continue to advocate for classroom education on the Holocaust and to partner with public and private schools in that endeavor. However, this legislative mandate with undermine, not advance, that cause.

### Appendix I: Testimony of Professor Michael Weingrad, Portland State University

“As a tenured professor of Judaic Studies at Portland State University who regularly teaches on the Holocaust and Jewish history, as an active and engaged member of our state's Jewish community, and as the parent of three Portland public school students, I am writing to express my opposition to the ill-conceived SB 664 proposal. What the students and the citizens of our state need is not the intellectually sloppy if well-meant conflation of the Holocaust with other social ills, but specific, historically grounded education, free of clumsy political fashion. This bill, if realized, will have the effect of undermining serious Holocaust and genocide education. It will harm the ability of our students to make responsible and thoughtful ethical determinations about history, our state, and our world. It will, in short, do the opposite of what its no doubt well-intentioned proponents hope to accomplish.

“As a scholar of Jewish history and culture, and the descendant of victims of the Shoah, I urge you to scrap this misguided legislation and engage with those scholars and historians who can foster a more ethically responsible and historically reputable approach to Holocaust education. I have seen first-hand how the Holocaust is misused and misrepresented in PPS classrooms. It is no improvement on not teaching the Holocaust to teach it in superficial, distorted, and exploitative fashion, which is what this bill will promote. A subject this important deserves further reflection and greater care.

“Sincerely,  
Professor Michael Weingrad  
The Harold Schnitzer Family Program in Judaic Studies, Portland State University”

[Testimony submitted on SB 664 to Senate Committee on Education]

### Appendix II: Testimony of Dr. John Beahrs, Emeritus Professor of Psychiatry, Oregon Health and Sciences University

“A week ago, I submitted a recommendation for a “no” vote. Here are some clarifications. One, I honor Holocaust survivors and their families, and want to pass on their historical legacy. Two, as a now-retired psychiatrist, I’ve come to know many former prisoners of war who suffered similarly, and want students to learn all of these memoirs of humanity’s dark side. This bill is fatally flawed as it now stands, by erroneously linking such atrocities with social justice

grievances commonly put forth in today's sociopolitical milieu. These grievances differ in kind from actual genocide. To mandate linking them transfers the emotional charge of true genocide onto the social grievances, making ongoing political debates more trauma-driven than they need to be. Paradoxically, it diminishes the full impact of transcendent evil-doing such as the Holocaust. This factual error inexorably fosters indoctrinating students into victim-based identity politics that wrongly pits social justice against our common citizenship. So, point three, I strongly support teaching the factual history that all informed citizens need to know, but repudiate misusing this history to support political agendas that not everybody shares. We need to promote free debate about the latter, not prematurely close it off. Here are some specific examples of this bill's confusions.

"2(d) mandates that we "combat misinformation... and discrimination"... through "resistance, reform, and celebration." Two points here. (1) What constitutes "misinformation" is debatable, and again, education best encourages constructive debate. (2) "Resistance, reform, and celebration" unnecessarily imply activist conflict. "Knowledge through corrective information and free debate" would be more conciliatory and pro-democratic. 2(e) lumps citizens into the categories of "perpetrator, collaborator, bystander, victim or rescuer." All of them indirectly suggest social conflict and wrongdoing, rather than common citizenship, and fuel the fire of traumatic re-enactment. Such confusions simply don't belong in this bill. 2(h) mandates teaching "the history of discrimination in this state." This history is factual, and as such should be taught. What's omitted is problematic here. Even today, Oregon is increasingly becoming a state where "correctness" is obligatory, with ideological discrimination being rationalized as social beneficence. The bill also mandates "cultural diversity", another topic that is popular but in debate. "Ideological diversity" would better promote real democracy.

"In summary, I urge that SB 664 be defeated in its current form, for reasons just summarized. If passed, I strongly recommend retaining its relevant historical facts but deleting all provisions that even subtly indoctrinate students into prevailing social justice ideologies. Respectfully submitted, John Oakley Beahrs, retired psychiatrist, Portland, Oregon, February 19, 2019."

[Testimony submitted on SB 664 to Senate Committee on Education]

#### [Appendix III: Testimony of Amanda Solomon, OJMCHE Manager](#)

"Dear Chair Wagner, Vice-Chair Thomsen and members of the committee,

"The most common response received when students are asked the question, "Why do we learn about the Holocaust?" is "So it never happens again." This shallow answer reveals that when students learn about the Holocaust as an isolated event, and with a passive mindset, they ultimately fail to develop the knowledge and understanding necessary to recognize and prevent genocide. Rather than simply studying facts and learning about the history of the Holocaust, the curriculum under SB664 has the opportunity to be structured to provide students active opportunities to engage in critical thinking skills. At a time when students are more open-minded and receptive to learning about themselves, the curriculum will force them to confront their role in making society a safer, more inclusive, and just place.

“Unfortunately, since multiple genocides have transpired since the Holocaust, it is imperative to think about the Holocaust as part of a wider history of events and experiences that occurred both before and after it. For this reason, Oregon needs a Holocaust and genocide curriculum in the schools that will focus on acknowledging and recognizing how unjust structures, mechanisms, and policies are implemented and how they reveal common threads across different genocides and systems of mass violence. It is the observation of these patterns that can contribute to a richer, more meaningful understanding of how genocide occurs and how to best prevent the discrimination and oppression that precedes them.

“A common question Holocaust and genocide educators receive is, “How do you keep the content relevant?” A strong curriculum might look introspectively at Oregon’s history of discrimination and utilize tools of discrimination, such as scapegoating, intimidation, appropriation, segregation, exclusion, and dehumanization, all of which are used together in genocide. Looking at each of these six concepts, both individually and as a whole, students can examine the origin, intention and motivation of why these tools are being used, rather than focusing on comparing how they are being implemented. Students can also be exposed to the numerous ways individuals and groups have resisted oppression and discrimination. Tools of resistance—persistence, creation, celebration, protest, organization, and reform, are equally important, and provide a platform to teach students tangible skills to combat everyday injustices and ultimately provide a better approach to preventing genocide.

“As more cases of prejudice, hate, mass violence and genocide continue to unfold in front of our eyes, it is our responsibility, and Oregon’s responsibility, to provide students with the knowledge and skills to recognize and resist precursors of genocide, such as discrimination and oppression.

“Since OJMCHÉ is unable to be in every Oregon classroom, SB664 provides ALL Oregon students the opportunity to partake in engaging lessons and stimulating conversations that challenge their current knowledge about genocide and systems of oppression and provides them with the tools to go out in the world as adults with the ability to counter them and defend human rights.

“Sincerely,  
Amanda Solomon  
Manager of Museum and Holocaust Education  
Oregon Jewish Museum and Center for Holocaust Education”

[Testimony submitted on SB 664 to Senate Committee on Education]

#### Additional Recipients

- Senator Rob Wagner, [Sen.RobWagner@oregonlegislature.gov](mailto:Sen.RobWagner@oregonlegislature.gov)
- Senator James I. Manning, Jr., [Sen.JamesManning@oregonlegislature.gov](mailto:Sen.JamesManning@oregonlegislature.gov)
- Representative Janeen Sollman, [Rep.JaneenSollman@oregonlegislature.gov](mailto:Rep.JaneenSollman@oregonlegislature.gov)
- Senator Dallas Heard, [Sen.dallasheard@oregonlegislature.gov](mailto:Sen.dallasheard@oregonlegislature.gov)
- Amanda Solomon, Manager of Oregon Jewish Museum and Center For Holocaust Education, [asolomon@ojmche.org](mailto:asolomon@ojmche.org)

- Sue Wendel, Coordinator, Next Generations Group, [suemwendel@gmail.com](mailto:suemwendel@gmail.com)
- Marc Blattner, President and CEO, Jewish Federation of Greater Portland, [marc@jewishportland.org](mailto:marc@jewishportland.org)

### About OAS

The Oregon Association of Scholars (OAS) is a registered non-profit corporation in the state of Oregon that serves as the state chapter of the National Association of Scholars, a registered non-profit corporation in the state of New York devoted to upholding freedom and intellectual diversity in education with a membership of 2,780 scholars and professionals. OAS members include both currently active and retired faculty of institutions of higher education in Oregon. The president of OAS is Dr. Bruce Gilley, Professor of Political Science in the Mark O. Hatfield School of Government at Portland State University.

### Contact

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