

Washington and the New Battle Against Antisemitism: The Executive Branch, Congress, and the Role of National Authorities

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Dr. Scott Lasensky, a former senior policy advisor on Israel, the Middle East, and Jewish affairs in the Obama administration, examines the national political context in the US of the fight against antisemitism. Lasensky explains the evolving role of national authorities, assesses the responses of the early Biden administration, and offers recommendations designed to strengthen the role of the executive branch and Congress in combatting domestic antisemitism.

Since 2017, the United States has witnessed a surge of domestic antisemitism. In addition to the mass casualty attack in Pittsburgh, a string of violent incidents took place in Charlottesville, Poway, Jersey City, and Monsey. Street attacks have taken place in Los Angeles, south Florida, New York, and elsewhere. The annual audits of the Anti-Defamation League (ADL) have indicated significant increases in antisemitic incidents almost every year since 2015 (ADL, 2020a). Antisemitic content is surging on social media and across the internet. Not surprisingly, Jewish Americans feel threatened, with their anxiety heightened by domestic unrest, typified by the January 6, 2021 insurrection at the US Capitol. The general public is also alarmed; an American Jewish Committee survey from October 2021 revealed that 60% of Americans view antisemitism as “a problem,” and an alarming 41% report they have observed instances of antisemitism (AJC, 2021).

The sense of urgency brought about by this surge has led to the growing engagement of national authorities in countering domestic antisemitism.

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Alongside this mounting response, however, is rising politicization and partisanship. Moreover, the response of national authorities, notably the executive branch of the US government and Congress, remains predominantly reactive. The current approach is also stovepiped, with discrete responses embedded in various agencies but no concerted, coordinated federal or national policy.

The US does not have a unified, whole-of-government approach to combating antisemitism but rather a patchwork of responses—policies and legal frameworks largely focused on responding to violence and vandalism, countering harassment, and combating antisemitism globally. Newer challenges—like the growing volume of antisemitic activity online—highlight glaring gaps in public responses, partly due to America’s bedrock protections of speech but also due to limited political and popular support to put pressure on the major technology and new media companies to respond. Perhaps the most urgent and dangerous challenge today for public authorities is catching up to the growing threat posed by white supremacy and violent right-wing extremism, a deepening problem that was underemphasized by the Trump administration (Office of the Director of National Intelligence, 2021; see also Reitman, 2018; Nemet & Hansen, 2021).

This study examines the national, domestic political context; explains the evolving role of national authorities; assesses the responses of the early Biden administration; and offers recommendations designed to strengthen the role of the US government’s executive branch and the Congress in responding to this unprecedented upsurge.

The Role of National Authorities

Frontline engagement, especially in terms of responding to violent antisemitism, vandalism, and community safety, is largely the responsibility of state and local authorities, given the decentralized nature of US law enforcement. That said, a coherent national policy is critical for shaping public discourse, gathering intelligence and providing early warning, securing funding, and establishing best practices in the security sphere, as well as monitoring and public reporting.

The role of the president, notably the “bully pulpit” of the White House and the ability to enlist and steer inter-agency coordination, is particularly critical, not only in following high-profile incidents but also in shaping the overall landscape of countering rising antisemitism.

Background

Although leading groups like the ADL were founded more than a century ago in response to acts of extreme violence and bigotry, for much of the 20th century American Jewry collectively focused on overcoming bias in a variety of local, state, and federal spheres, from removing educational quotas and workplace restrictions to challenging housing and social barriers (Lederhendler, 2021). “Jewishness,” as historian Eli Lederhendler has written, was long viewed as a “social liability” (Lederhendler, 2017, p.145).

Public authorities were partly the focus of campaigns to overcome these barriers to equality, alongside broader socialization efforts aimed at combating classic antisemitic ideas and stereotypes, which focused heavily on interfaith engagement, community relations, popular culture, and public education.

The 1970s and 1980s were peak decades for Jewish Americans, in terms of both rising levels of social acceptance and an increase in political representation. This period was also a high point for cohesion and community solidarity vis-à-vis Israel. Antisemitism was on the agenda, but the focus was more on confronting discrimination rather than on combating extremism and violence. These years were also dominated by advocacy for Soviet Jews and support for Israel as it emerged from devastating wars and as the US pivoted to a more sustained and active peacemaking role.

Although civil rights-era legislation included hate crimes statutes, it was not until the 1990s and early 2000s that explicit legal frameworks expanded, especially in terms of addressing the most serious threats. Responding to waves of church arsons, the Oklahoma City bombing, and several particularly odious cases of domestic violence based on race and sexual orientation, Congress strengthened federal law enforcement, which included earmarking more federal aid to state and local authorities and passing into law the 2009 hate crimes statute named for Matthew Shepherd and James Byrd (US Department of Justice, 2018).

In terms of monitoring and public reporting of antisemitism, since the early 1990s, the FBI has published uniform national crime statistics, including annual statistics covering antisemitic crimes (FBI, 2021; see also Asher, 2021).¹ Until then, the only national statistics came from community organizations, such as the ADL. The FBI's adoption of national incident reporting was a major advance, although many

¹ In the early 2000s, the Department of Justice established an office to assist victims of overseas acts of terrorism and their families, many of whom are Jewish, but it is beyond the scope of this paper.

outside observers believe its data is not fully accurate as incidents are underreported.

In 2004, Congress established a special envoy position in the State Department to monitor and combat global antisemitism, creating the first high-profile position inside the US government devoted exclusively to this agenda. The State Department role, by law and in practice, however, does not address domestic antisemitism. That said, the office has taken steps that reverberate on the domestic scene, such as Special Envoy Hannah Rosenthal's initiative in 2010 to adopt a high-bar definition of antisemitism (US Department of State, 2010).

Antisemitism Surges

When the International Holocaust Remembrance Alliance (IHRA) adopted its working definition of antisemitism in 2016—an even more expansive framework than the one adopted by the State Department in 2010—antisemitic incidents were on the rise (ADL, 2017).

Under President Trump, certain executive actions to fight domestic antisemitism increased, including by the Department of Justice, but so did a broader climate of politicization and rising partisanship around the issue. Moreover, Trump himself was widely viewed as a major “purveyor of noxious ideas” that fed antisemitism. He was, for many, a figure who “emboldened” antisemites, bigots, and white supremacists, as former ADL head Abe Foxman has said (Beirich, 2021; see also Foxman, 2018; Foxman, 2020; US Department of Justice, 2020).

The Trump administration—and Trump's Republican allies—downplayed right-wing antisemitism and preferred to focus on countering global antisemitism or on combating antisemitism in niche, domestic arenas like higher education, tapping into a broader conservative agenda that has long viewed universities as hostile, liberal bastions. Trump officials also accused liberal Jewish groups, like J Street, of antisemitism, leaving the strong impression that the Trump administration was instead trying to shut down criticism of Israeli policies (Rosenfeld, 2021).

The IHRA definition of antisemitism was eventually adopted by the State Department, and later, the Trump administration used this definition as its basis to target antisemitism in colleges and universities. Trump officials frequently took aim at what they perceived as the institutional hegemony of progressive politics in higher education, often decrying “intersectionality” and equating “anti-Zionism” with antisemitism, which became an increasing refrain through 2019 and 2020

(Rosenfeld, 2021; US Department of State, 2020).² The Trump effort culminated in December 2019 with its “Executive Order on Combating Antisemitism,” which sought to leverage landmark civil rights legislation to give federal authorities the ability to pursue “prohibited forms of discrimination rooted in antisemitism as vigorously as against all other forms of discrimination” (White House, 2019).³

The signing of this executive order intensified the message of the Trump administration that “anti-Zionism is antisemitism,” as White House Senior Advisor Jared Kushner stated in a widely circulated *New York Times* op-ed (Kushner, 2019). The Trump executive order also sought to further institutionalize the IHRA standard; although many leading Jewish organizations, including the ADL, supported this move, others—especially many civil libertarians—viewed it as part of the Trump administration’s broader “culture” war, which deliberately underemphasized antisemitism on the right.⁴

The blending of policy regarding antisemitism with President Trump’s drive to redefine US policies toward Israel and the Palestinians peaked during the 2020 transition of government, with Secretary of State Mike Pompeo not only repeating the refrain “anti-Zionism is antisemitism” but reframing the US government’s counter-BDS efforts as integral to its antisemitism agenda (Pompeo, 2021).

Democrats have faced their own challenges, including confronting members of their caucus, as in the case of Minnesota Representative Ilhan Omar, who has made public statements widely viewed as antisemitic. The positions of Omar and her allies, including strident criticism of Israeli government policy, quickly fed into a much broader, more polarized standoff between Democrats and the Trump administration, which complicated Democratic efforts to criticize and confront antisemitism in their own ranks. In response to the Omar’s statements, the House of Representatives passed House Resolution 183 condemning antisemitism, which leading Jewish Democrats like Representative Ted Deutch viewed as watered down and missing the mark (Deutch, 2019). The Israel–Gaza war in May 2021 led to further tensions among Democrats, with several Jewish members of the House

² For an example of the posture of the Trump administration, see the Justice Department’s summit on combating antisemitism, including Attorney General Barr’s remarks and the panel on universities. The universities panel included staunch conservative commentators like Jonathan Tobin, who described universities as “beachheads” for a rising tide of antisemitism (US Department of Justice, 2019).

³ Since 2010, the Department of Education had determined that Jewish Americans should enjoy protections against antisemitic harassment (Ali, 2010).

⁴ For example, David Cicilline, a Democratic member of Congress, complained that a conference on online antisemitism held by the State Department in October 2020 downplayed threats from the right (Cicilline, 2020).

accusing members of the Democratic Caucus of making statements that are antisemitic at their core and contribute to a climate that is hostile to many Jews.

The politicization of public discourse is felt all across the federal and national landscape, affecting even the non-partisan US Holocaust Memorial Museum, which sparked controversy over its position on drawing comparisons between the Holocaust and Trump's immigration policies (Oster, 2019; US Holocaust Memorial Museum, 2019; see also Friedberg, 2018).

The Biden Administration and Expanded Authorities

President Biden's first year in office was set against a dramatically altered domestic context, including the summer 2020 racial justice protests and the "reckoning with race" that has followed. Moreover, the repeated convulsions of the most fraught presidential transition in American history, punctuated by the January 6 insurrection, continue to be felt. Coming to office amidst interlocking socioeconomic, political, and public health crises, President Biden's early agenda was both crowded and hamstrung. Still, even a scarred political and social landscape presents opportunities. For example, the spate of antisemitic attacks and incidents in May 2021 during the Israel–Gaza war, allowed the administration to demonstrate that combating antisemitism can be a national priority.

Biden is the first American leader to come to the White House having already staked out high-profile and detailed positions on combating antisemitism and having pledged to renew bipartisanship in the fight against antisemitism and the broader struggle against bigotry and hate. Even before he was elected, Biden said, "we need a comprehensive approach to battling antisemitism that takes seriously both the violence that accompanies it and the hateful and dangerous lies that undergird it" (Biden, 2020). Biden pledged to "call hate by its proper name, whatever its source, and condemn it—every time." (Biden for President, 2020). He further stated that, "we must stand up and speak out whenever and wherever (antisemitism) rears its head, because silence can become complicity" (Tabachnick, 2020).

The Biden administration has a unique opportunity, not only to depoliticize the issue of antisemitism but also to adopt a comprehensive national policy, which, for the first time, would closely coordinate the activities of various federal and public authorities. Pivoting from a largely reactive posture to a proactive one; unifying and coordinating policy across agencies and spheres of government; and mitigating politicization are the principal challenges—and opportunities—that confront the Biden administration.

In April 2020, Biden put forward a three-point plan to combat antisemitism and hate crimes, including (a) an increase of funds that the Department of Homeland Security provides for the Nonprofit Security Grant Program; (b) prioritizing the prosecution of hate crime by the Department of Justice and passing legislation that increases penalties for attacks on religious institutions; and (c) convening faith communities to consider “whole of society” reforms (Kampeas, 2020). Biden also pledged to “work for a domestic terrorism law that respects free speech and civil liberties, while making the same commitment to root out domestic terrorism as we have to stopping international terrorism” (Biden for President, 2020).

In the aftermath of the storming of the US Capitol, which included overt displays of antisemitism among the insurrectionist mob; of President Trump’s adamant refusal to concede his election defeat, and of a national reckoning with race, and amidst an ongoing public health and economic emergency, President Biden continues to face a multidimensional array of domestic challenges.

The Way Ahead

The following are recommended measures that national authorities could take to address the growing challenge posed by antisemitism.

Executive Branch

- **Establishing a White House-led inter-agency mechanism, co-led by officials from both the National Security Council and the Domestic Policy Council**

Initially focused on implementing the President Biden’s pledges to increase resources (Nonprofit Security Grant Program) for the Department of Homeland Security and to step up prosecutions of hate crimes by the Department of Justice, such a whole-of-government approach could fuse domestic and national security resources and ensure that all federal resources, including from law enforcement and the Intelligence Community, are utilized and coordinated. It could also help generate a considered and fully vetted federal policy on definitions and frameworks, including when to use the IHRA’s working definition and whether new terms of reference are needed.

Given the overall rising level of domestic extremism, it will be important for the administration to integrate its antisemitism policies with its broader actions against domestic threats. A holistic approach is especially important given the growing threat of cyber-hate and rising evidence of transnational antisemitism. An inter-agency mechanism could also act as a point of contact with Congress and

key civil society actors to address online extremism and highlight the responsibilities and obligations of social media platforms.⁵ A focused, empowered inter-agency process could be established initially for 12 to 18 months and then reviewed by principals or deputies. The Biden administration's June 2021 National Strategy for Countering Domestic Terrorism, with its focus on information sharing, countering online recruitment, disrupting and addressing root causes, provides a broad policy framework for which to empower and guide an inter-agency mechanism (White House, 2021b).

- **Expanded use of the “bully pulpit”**

Use of the White House “bully pulpit” could be expanded to convey the Biden administration's commitment to a policy of depoliticizing antisemitism and to convey public messages about the full spectrum of sources and contributing factors.

President Biden has spoken out clearly and forcefully, as he did in May 2021, responding to incidents tied to the Israel-Hamas war, when he stated “we cannot allow the toxic combination of hatred, dangerous lies, and conspiracy theories to put our fellow Americans at risk” (White House, 2021a). In October, 2021, in conjunction with the anniversary of the attack at the synagogue in Pittsburgh, Biden said “we must always stand up and speak out against antisemitism with clarity and conviction, and rally against the forces of hate in all its forms, because silence is complicity” (White House, 2021c). In early December, President Biden said “we have to stand against the resurgence of this tide of anti-Semitism and other forms of intolerance and hate here at home and around the world” (White House, 2021d). Similarly, Vice President Harris said to the ADL in November that “when Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is anti-Semitism. And that is unacceptable” (ADL, 2021b). Both leaders had similarly resolute statements about the hostage crisis at Congregation Beth Israel in Texas in mid-January 2022.

Expanded public messaging, including a dedicated policy address by a senior administration figure, could be used to make a clear and definitive statement on threats, like white nationalism and domestic terrorism; to endorse consensus frameworks and definitions, and to appeal for stronger bipartisan, interfaith, and cross-community action. Drawing in a bipartisan congressional presence would

⁵ In 2020 the ADL and the NAACP led a coalition of civil rights groups to encourage companies to participate in a one-month advertiser boycott of Facebook on account of the social media company's “repeated failure to meaningfully address the vast proliferation of hate on its platforms” (ADL, 2020b; [Kim & Fung, 2020](#)).

further enhance the White House's role. Use of the "bully pulpit" is also well suited for echoing the increasing calls by civil society to clamp down on social media platforms and for addressing technology companies that have been too soft on handling hate and online antisemitism.⁶

Devoting more attention to antisemitism in high-profile events like the annual State of the Union address or the UN General Assembly fall meeting would also have an impact. The Biden administration could also deploy the "bully pulpit" through a site visit, for example to Pittsburgh or Charlottesville. The White House Office of Faith-Based and Neighborhood Partnerships has a proven ability to convene widely attended events, as it did with its 2021 Passover grassroots program, and with Jewish leadership briefings during and after the May 2021 Gaza conflict, convened by Senior Director Melissa Rogers.

- **Improve intelligence coordination, threat assessments and security coordination**

Led by an inter-agency mechanism, the Biden administration could assess the possibility for improving the Intelligence Community (IC) monitoring and information sharing with local law enforcement and affected communities. The National Counterterrorism Center (NCTC), for example, quietly began reporting on right-wing extremism in 2019, but a 2020 report acknowledged that the US government is hamstrung by weak collection and analysis and that there is no whole-of-government approach to even tracking the problem of right-wing extremism (Lichtblau, 2020; see also NCTC, 2020). Strengthened intelligence capabilities will also benefit the Department of Homeland Security's nonprofit security grantmaking, which is slated to grow under the Biden administration's 2022 budget proposal.

In addition, executive agencies and the Intelligence community could be directed to increase and regularize contact with the New York Jewish community-led working group of local security coordinators, led by the Community Security Initiative (CSI) and the Secure Community Network (SCN) of the Jewish Federation of North America.⁷ Intelligence community leaders could meet more regularly with community and civil society groups, like the ADL, possibly as part of both

⁶ Although Cabinet members, like Secretary of State Antony Blinken and US Ambassador to the UN Linda Thomas Greenfield, have addressed online antisemitism (US Mission to the United Nations, 2021), the White House has yet to do so in a detailed way.

⁷ The SCN is the primary point of contact for the federal government when it comes to homeland security issues (Silber, 2021).

government and civil society, and that could include Israeli government representatives.

- **Improving FBI and federal reporting**

Within current legislative mandates, executive agencies could do more to improve reporting on both antisemitic incidents and hate crimes in general. According to Jeff Asher, “hate crimes data reported by the FBI does not attempt to account for agencies that did not report or reported incomplete data. As a result, national hate crimes data is better thought of as a floor, rather than an accurate figure to be cited authoritatively” (Asher, 2021). Increasing data collection and compliance with reporting would go a long way toward clarifying trends and helping public authorities and civil society better pinpoint problem areas. The Biden administration should work with Congress to develop more detailed and uniform state-level reporting,

- **Federal benchmarks for education.**

Alongside steps to increase anti-harassment actions over the past decade, proactive measures have lagged. States like Wisconsin have recently mandated Holocaust studies in high school, but there are no federal guidelines on educational curricula benchmarks for teaching about the Holocaust and antisemitism (US Department of Justice, 2019). “Hearts and minds must be changed, but that is not always a task to which the government is particularly well-suited,” said Attorney General Bill Barr at the Department of Justice’s “Summit on Combating Antisemitism” in 2019, seemingly discounting proactive educational efforts (US Department of Justice, 2019). Establishing more specific guidelines, or even articulating broad policy guidance from cabinet-level or senior appointees would give state and local authorities a reference point to draw from, especially in the growing number of local battles over “ethnic studies” curricula.

- **Expanding and accelerating appointments**

The appointment of Professor Deborah Lipstadt in late July 2021 to serve as the State Department’s Special Envoy to Combat and Monitor Antisemitism was a highly anticipated and widely hailed decision by the Biden administration. Given the recent upgrade to the role and the need for Senate confirmation, the Biden administration should consider appointing additional deputies or senior advisors to help invigorate the office, for which some precedent was established by the Trump administration. Further appointments could be made in key executive

agencies, like the Department of Homeland Security, Department of Justice, Department of Defense, and the Intelligence Community, to bring greater attention and focus, possibly through the appointment of “special advisors” to deputies-level officials.

Paradoxically, the upgrade of the State Department role, while raising the prestige of the position and attracting a renowned figure like Lipstadt, also plunged it into the broader climate of political polarization and the increasing willingness of some Republicans in Congress to play politics on antisemitism policy.

More broadly, the administration faces the challenge of whether to dual-hat the special envoy position with certain domestic responsibilities, even informally, or designate a domestic “quarterback” from a leading agency like the Department of Justice. Although it could be argued that such a move would be less important if a White House-led inter-agency mechanism is established, given the diffuse nature of authorities across agencies, a focal point would help in implementing a more unified national policy.

Congress

The legislative branch can play a unique and important role in combating antisemitism, including by informing public discourse. The public positions of members—individually, in ad-hoc groupings, or at hearings—send cues to other public officials at every level of government and provide important validation and political support for civil society and community responders. Recommendations for congressional action include:

- **Expanded use of bipartisan and ad-hoc groupings**

Spearheaded years ago by the late Representative Tom Lantos, a Democrat from California, as an outgrowth of the Congressional Human Rights Caucus, strong bipartisan groupings in the Senate and the House of Representatives have focused on specific human rights issues, including religious freedom and antisemitism. Indeed, both the Senate and the House now have bipartisan task forces on antisemitism, which have expanded in recent years following the upsurge in antisemitic incidents. Several members of the House also serve on a recently established interparliamentary task force focused on combating online antisemitism. With representatives from Israel, the US, Canada, Australia, and the UK, these efforts represent the kind of bipartisan and international coordinated efforts that are necessary to confront antisemitism globally.

Maintaining and increasing the visibility of these ad-hoc groupings is particularly critical considering growing political polarization. Senator Jacky Rosen (Nevada), Senator James Lankford (Oklahoma), Representative Ted Deutch (Florida), and Representative Chris Smith (New Jersey) have been leaders in this regard and their joint efforts—together with other members who have joined bipartisan task forces in both chambers—have been a major force for countering politicization of the issue. These leaders, together with a growing list of allies they have recruited—the House Task Force, for example, has over 100 members—can play an especially important role in confronting voices in their own camps that have exacerbated the politicization of antisemitism, rather than mitigating it.⁸

- **Expanded public hearings**

Hearings are an integral tool for Congress and can elevate and inform public discourse about antisemitism, as well as sharpen the focus of executive agencies and increase government–civil society contacts. The Committee on Homeland Security of the House of Representatives, for example, conducted back-to-back hearings in early 2020, which generated wide media coverage and were an added focal point for engagement with civil society (US House of Representatives, Committee on Homeland Security, 2020a, 2020b).

More regular stand-alone hearings would be invaluable, as would embedding antisemitism more consistently in broader hearings conducted by relevant committees, including those of Intelligence, Homeland Security, Education, Justice, and Foreign Affairs. Greater use of public hearings can be particularly effective in confronting the highly complex challenge of countering online antisemitism and hate speech more broadly.

- **Ending intentional partisan maneuvers**

Some Republican House members have used procedural motions to force votes on antisemitism that would make Democrats appear weak on the issue. Ending these highly partisan actions, historically rare in Congress, would improve the political climate and promote bipartisanship (Kampeas, 2019).

- **New legislation**

Congress can adopt a range of legislative measures that could assist how national authorities combat antisemitism and domestic extremism more broadly, including improving on its own early 1990s mandates for national incident reporting—a

⁸ The House bipartisan task force on antisemitism was established in the 114th Congress in 2015 (Deutch, 2021), and the Senate task force was established in 2019 (Rosen & Lankford, 2019).

central goal of the “No Hate” Act, which had support from the ADL and dozens of other Jewish and community organizations. New legislation supported by the Jewish community includes the Domestic Terrorism Prevention Act, as well as new measures to address extremism and combat white nationalism in law enforcement and in the military.

It is important that legislative measures are crafted with community and expert buy-in and through consensus-based, bipartisan consultations; otherwise, proposed measures can trigger gridlock and more political rancor. It is also critical that new legislation protect civil rights and civil liberties, which is essential on its own merits, and for ensuring broad-based political support.

Conclusion

At the national level, considerable measures and policies by public authorities are in place to fight antisemitism, and many of these work effectively, from the prosecution of perpetrators of violence by the Justice Department to the Department of Homeland Security’s provision of block grants that bolster physical security at Jewish institutions nationwide. The Nonprofit Security Grant Program, in particular, has kept pace with surging threats and has grown from \$20 million in 2016 to \$180 million in 2021, with Congress considering further increases (Federal Emergency Management Agency [FEMA], n.d.), while some Jewish community groups, like ADL, have proposed increases as high as \$360 million (ADL, 2021a).

Yet there is still much more that can be done to counter violence and hatred targeting Jews. As this article lays out, chief among the potential measures the Biden administration could take is improving coordination and defining a comprehensive national policy against antisemitism. Moreover, using the considerable powers of the White House to depoliticize the issue and restore bipartisanship would have substantial impact. Congress can also play a key role, collaborating with and working alongside the administration, and leveraging the growing role played by bipartisan leaders in both chambers.

With an extraordinarily crowded domestic agenda, further complicated by COVID-19 and ongoing socioeconomic dislocations, many issues are competing for Washington’s attention. But on the question of combating antisemitism, new leadership and a new sense of urgency also offers the opportunity for national authorities to take novel and decisive measures.

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