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October 31, 2023

Re: OCR must act to address rise of anti-Palestinian and Islamophobic racism

Dear Assistant Secretary Lhamon,

We write to call your attention to a letter¹ (enclosed) signed by more than 600 members of the legal community who are alarmed by the surge in anti-Palestinian and Islamophobic racism and attacks threatening students and communities across the country as Israel's brutal bombardment, total siege, and impending invasion of Gaza continues. We urge the Department of Education's Office for Civil Rights (OCR) to take urgent special measures to ensure that Palestinian, Arab and Muslim students, or students perceived as such, are protected from discrimination and harassment at their educational institutions.

Palestine Legal—a nonprofit legal and advocacy organization supporting people who speak out for Palestinian rights in the U.S.—responded to more than 2,200 incidents of censorship, punishment, or other burdening of advocacy for Palestinian rights between 2014 and 2022.² Anti-Palestinian racism and discrimination is not new, but since October 7 alone, we have received about 400 requests for support regarding incidents of repression targeting Palestinians, Arabs, Muslims, and their allies—many at K-12 and higher education institutions. The Arab American Anti-Discrimination Committee (ADC), the Center for Constitutional Rights (CCR) and other legal organizations have likewise received a deluge of requests for legal help.

In colleges and schools across the country, predominantly Palestinian, Arab, Muslim, and other students of color have been targeted by racist, xenophobic, and Islamophobic harassment,

¹ Palestine Legal, "Hundreds of Legal Community Members Demand Action to Stop Racist Targeting of Palestine Advocates and Safeguard Fundamental Rights," <https://palestinelegal.org/legal-community-letter>.

² Palestine Legal, "2021 Year-in-Review: Palestinian Uprising Generates Record Solidarity—and Fierce Backlash," <https://palestinelegal.org/2021-report>.

physical threats and assaults, doxing campaigns on blacklist websites, and disciplinary consequences for appearing to support or expressing their support for Palestinian human rights.

Severe doxing has exacerbated the threats, harassment, and other attacks that predominantly Palestinian, Arab, Muslim, and other students of color are experiencing, often in ways that threaten their lives and careers. For example, the right-wing group Accuracy in Media dispatched a billboard truck to the Harvard campus starting on October 11, 2023, digitally displaying the names and faces of students allegedly affiliated with student groups that had signed onto a solidarity statement naming Israel’s responsibility for violent Palestinian resistance.³ The statement contextualized the daily violence and oppression Palestinians have been subjected to over the last 75 years under Israeli occupation and apartheid.⁴ The truck smeared the students as “Harvard’s Leading Antisemites” and included a link to a website that lists the names of individual students supposedly affiliated with the groups that signed the statement while others were not affiliated with or were no longer members of these groups. Similar trucks attacking Palestine solidarity activists and Students for Justice in Palestine groups have recently circulated at Brooklyn College, Columbia University, New York University, the University of Michigan, and Georgetown University, even venturing beyond campuses to students’ homes and neighborhoods.⁵

Hundreds of students and members of Students for Justice in Palestine (SJP) have also had their names and sometimes their contact information and/or names of their employers posted on blacklist websites such as “College Terror List, a Helpful Guide for Employers.” Some of these sites have been taken down as violating the terms of the service of the platform, but the lists continue to circulate.⁶ Law students’ job offers have been rescinded, and other students have been denied employment because of such blacklists.⁷

Universities have not only failed to respond to their students’ fears and concerns about these doxing campaigns and the resulting avalanche of racist and threatening messages they receive, they have also targeted their own students, condemned them, policed them, and subjected them to investigations and disciplinary proceedings, some of which have led to suspensions and other consequences for students’ speech activities.⁸

³ Alex Kane, A “McCarthyite Backlash” Against Pro-Palestine Speech, Jewish Currents, Oct. 20, 2023, <https://jewishcurrents.org/a-mccarthyite-backlash-against-pro-palestine-speech>.

⁴ J. Sellers Hill and Nia L. Orakwue, Harvard Student Groups Face Intense Backlash for Statement Calling Israel ‘Entirely Responsible’ for Hamas Attack, The Harvard Crimson, Oct. 10, 2023, <https://www.thecrimson.com/article/2023/10/10/psc-statement-backlash/>.

⁵ Mark Alfred, Harvard ‘doxing truck’ appears outside of pro-Palestine students’ homes, The Daily Beast, Oct. 26, 2023, <https://www.thedailybeast.com/harvard-doxing-truck-appears-outside-of-pro-palestine-students-homes>.

⁶ Anemona Hartocollis, After Writing an Anti-Israel Letter, Harvard Students are Doxxed, The New York Times, Oct. 18, 2023, <https://www.nytimes.com/2023/10/18/us/harvard-students-israel-hamas-doxing.html>.

⁷ See, e.g., Mike Wendling, Three law students who backed Israel letters lose job offers, BBC, Oct. 18, 2023, <https://www.bbc.com/news/world-us-canada-67152271>; Vimal Patel and Anemona Hartocollis, N.Y.U. Law Student Sends Anti-Israel Message and Loses a Job Offer, The New York Times, Oct. 11, 2023, <https://www.nytimes.com/2023/10/11/us/nyu-law-harvard-hamas-israel.html>.

⁸ See, e.g., Alex Kane, A “McCarthyite Backlash” Against Pro-Palestine Speech, Jewish Currents, Oct. 20, 2023, <https://jewishcurrents.org/a-mccarthyite-backlash-against-pro-palestine-speech>; Ramishah Maruf, For Palestinian Americans and activists, doxing is nothing new, CNN, Oct. 15, 2023, <https://edition.cnn.com/2023/10/15/business/palestinian-americans-activists-doxing/index.html>; Ava Young-

It is clear that the statements, actions, and lack of action by schools and universities are contributing to the dehumanization of Palestinians and fostering a hostile anti-Palestinian environment that will have lasting harm on students. Schools are condemning and punishing Palestinian and allied students for their advocacy to stop an unfolding genocide of the Palestinian people, issuing one-sided statements that ignore Palestinian suffering, and even wielding false accusations of antisemitism and “support for terrorism” against them.⁹ The attack by elected officials on student groups advocating for Palestinian rights – including Florida Governor DeSantis’ unconstitutional ban of Students for Justice in Palestine groups from state universities – portends much broader attacks and attempts at criminalization of Palestinian and allied students speaking out for justice for Palestinians.¹⁰

In K-12 schools, Palestinian and Arab students are concerned for their safety due to the rise of bullying and harassment rooted in anti-Palestinian and Islamophobic racism.¹¹ One school in Illinois banned students from wearing a kuffiyah scarf—a Palestinian cultural symbol. The wave of racism and xenophobia has also proliferated in violent ways beyond educational institutions, resulting in the murder of a 6-year-old Palestinian-American boy, Wadea al-Fayoume, outside of Chicago.¹²

In addition, we note that many of the recent repression incidents often rest on false accusations of antisemitism that conflate expression of Palestinian identity and solidarity with antisemitic speech. In this context, the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism will only exacerbate the censorship and repression of Palestinians and their allies. We reassert the concern in a joint letter submitted in August 2022¹³ that adoption and enforcement of the IHRA definition would infringe on bedrock First

Stoner, Columbia University’s double standard for Palestinian protests, *The Nation*, Oct. 19 2023, <https://www.thenation.com/article/activism/columbia-university-palestine-sjp-protest/>.

⁹ See, e.g., Tomisin Sobande, Harvard’s selective condemnation of violence exposes their harmful bias against Palestinians, *Harvard Independent*, Oct. 20, 2023, <https://harvardindependent.com/harvards-double-standard-for-palestinians/>; Elizabeth Magill, “A message from Liz Magill on the terrorist attacks in Israel,” Oct. 15, 2023, <https://penntoday.upenn.edu/announcements/penns-response-recent-events-terrorist-attacks-in-israel>.

¹⁰ Brendan Farrington and Collin Brinkley, Florida orders state universities to disband pro-Palestinian student group, saying it backs Hamas, *Associated Press*, Oct. 25, 2023, <https://apnews.com/article/israel-palestine-desantis-florida-education-sjp-12b4d4f2bdd8618c12b8a29cc852be25>; Murtaza Hussain, The Senate condemns student groups as backlash to pro-Palestinian speech grows, *The Intercept*, Oct. 27, 2023, <https://theintercept.com/2023/10/27/palestine-israel-free-speech-retaliation-senate/>.

¹¹ Michael Abeyta, Cherry Creek students concerned with bullying following the war in Israel, *CBS Colorado*, Oct. 12, 2023, <https://www.cbsnews.com/colorado/news/colorado-cherry-creek-students-concerned-bullying-following-war-israel/>; Hannan Adely, Hate and harassment: NJ Palestinians, vilified as terrorists, are worried for their safety, *NorthJersey.com*, Oct. 26, 2023, <https://www.northjersey.com/story/news/world/2023/10/26/nj-palestinians-worried-threats-israel-war/71171389007/>.

¹² Chris Boyette and Keith Allen, Palestinian-American boy killed and his mother injured after landlord stabs them because they were Muslim, authorities say, *CNN*, Oct. 16, 2023, <https://edition.cnn.com/2023/10/15/us/chicago-landlord-attack-muslim-boy-mother/index.html>.

¹³ Palestine Legal, The IHRA definition censors free speech and disrupts the education of Palestinian students and their allies, Aug. 31, 2022, <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/63b6de30db689e6788acce6b6/1672928817287/Civil+Rights+Orgs+Letter+to+OCR+8-31-22.pdf>.

Amendment protections and exacerbate the rank anti-Palestinian racism now being promulgated by institutional leaders, the media, and elected officials at alarming levels.

In this environment of increasing dehumanization of Palestinians fueled by Israel and echoed by U.S. officials and institutions as Israel blatantly conducts a genocide in Palestine, we are deeply concerned about the escalation of anti-Palestinian racism and for the safety of Palestinian, Arab, and Muslim students across university campuses and K-12 schools, as well as other students daring to speak out in defense of Palestinian life. We urge OCR to take immediate steps to safeguard vulnerable students experiencing anti-Palestinian, anti-Arab, and Islamophobic bigotry, including but not limited to the following:

- Provide guidance, resources, and training to universities and schools to ensure the protection of Palestinians and their allies calling for Palestinian freedom in ways that do not contribute to the troubling rise in racist surveillance and policing of these communities;
- Expedite thorough investigations of incidents of anti-Palestinian discrimination that are reported to OCR;
- Publish a Dear Colleague Letter that addresses the rise of anti-Palestinian, anti-Arab, and Islamophobic racism and warns schools against fostering a hostile anti-Palestinian environment or engaging in anti-Palestinian, anti-Arab or anti-Muslim discrimination;
- Host listening sessions for affected students who can testify to incidents of anti-Palestinian discrimination and harassment;
- Reject the codification of IHRA in agency rules and affirm OCR's mandate to protect the rights of all vulnerable student groups.

We request and appreciate a prompt response to this letter. Please respond directly to Lina Assi, Palestine Legal Advocacy Manager, at lassi@palestinelegal.org.

Sincerely,

Lina Assi, Advocacy Manager, Palestine Legal

Meera Shah, Senior Staff Attorney, Palestine Legal

On behalf of
Palestine Legal
Arab American Anti-Discrimination Committee
Center for Constitutional Rights

Encl.

cc:

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Hundreds of Legal Community Members Demand Action To Stop Racist Targeting of Palestine Advocates and Safeguard Fundamental Rights

October 19, 2023

As legal organizations and professionals, we are alarmed by the surge in anti-Palestinian and Islamophobic racism and attacks threatening communities across the country. We urge all elected officials, institutional leaders and decision makers in all arenas to take urgent special measures to ensure the protection of fundamental constitutional, civil and human rights of people calling for Palestinian freedom.

The total dehumanization of Palestinians by Israel, fueled by misinformation campaigns relying on Islamophobic and racist tropes, and echoed by U.S. officials and amplified by news networks,¹ has created an alarming and dangerous situation for Palestinians and their allies in the U.S. Israel is making clear its genocidal intentions in Gaza – completely cutting off food, water, electricity and fuel to the over 2 million Palestinians held hostage in a tiny enclave that has been under a brutal 16-year Israeli siege and has suffered five (now six) major Israeli bombardments over that period that have decimated its infrastructure and killed thousands.² Israeli officials have called the Palestinians who live there – half of them children – “human animals,”³ and is telling Palestinians to evacuate from one part of Gaza to another, only to bomb them as they flee, presaging a repeat of the ethnic cleansing that took place in 1948.⁴

Elected officials in the U.S. have declared full-throated support for Israel and its war on Gaza, refusing to condemn or call for a stop to Israel’s indiscriminate bombardments that have killed hundreds of children, and echoing Israel’s genocidal language – effectively giving a greenlight to Israel’s war crimes.⁵ Domestically, elected officials have irresponsibly accused protesters for

¹ Alice Speri, ‘Beheaded Babies’ report spread wide and fast - but Israel military won’t confirm it, The Intercept, Oct. 11, 2023, <https://theintercept.com/2023/10/11/israel-hamas-disinformation/>; Mondoweiss, U.S. networks are committing journalistic malpractice by only posting reporters in Israel, Oct. 12, 2023, <https://mondoweiss.net/2023/10/u-s-networks-are-committing-journalistic-malpractice-by-only-posting-reporters-in-israel/>.

² Dalal Iriqat, Gaza: The caged context, Institute for Palestine Studies, Oct. 13, 2023, <https://www.palestine-studies.org/en/node/1654395>.

³ See Sanjana Karanth, Israeli Defense Minister Announces Siege On Gaza To Fight ‘Human Animals,’ Huffington Post, Oct. 9, 2023, https://www.huffpost.com/entry/israel-defense-minister-human-animals-gaza-palestine_n_6524220ae4b09f4b8d412e0a.

⁴ AlJazeera, ‘We reject the forced displacement’ in Gaza: Abbas tells Blinken in Jordan, Oct. 13, 2023, <https://www.aljazeera.com/news/2023/10/13/abbas-blinken-jordan>.

⁵ See Eric Levitz, The U.S. is giving Israel permission for war crimes, New York Magazine, Oct. 13, 2023, <https://nymag.com/intelligencer/2023/10/the-u-s-is-giving-israel-permission-for-war-crimes.html>; Press Briefing, U.S. Dep’t of State, Oct. 10, 2023, <https://video.state.gov/detail/videos/top-stories/video/6338801203112/departments-of-state-daily-press-briefing---october-10-2023?autoStart=true>; Matt Ber, ‘Eliminate,’ ‘eradicate,’ ‘level’: U.S. politicians escalate rhetoric against Hamas, Politico, Oct. 11, 2023,

Palestinian rights of antisemitism and support for terrorism,⁶ and called for the mobilization of law enforcement resources to police them, contributing to racist fear-mongering.⁷ This portends a reignition of repressive “War on Terror” policies that led to extreme state repression and constitutional rights violations against Arab, Muslim and other communities of color.⁸

Institutional leaders are likewise issuing racist condemnations of Palestinians and those standing in solidarity with them, ignoring or even sanctioning the unfolding genocide in Gaza and focusing solely on the impact on Israelis.⁹ Such statements not only foment anti-Palestinian sentiment and dehumanization, but also entirely ignore the history and daily violence experienced through nearly eight decades of colonial oppression.

Palestine Legal, the Center for Constitutional Rights, the American Arab Anti-Discrimination Committee and other signatories are fielding hundreds of requests for support and protection from racist attacks and government targeting. **These are the direct result of virulent anti-Palestinian rhetoric from Israel, echoed by our own elected officials as well as institutional and community leaders.** The barrage of extreme attacks that Palestinians and their allies in the U.S. are facing for speaking out for Palestinian rights include:

- Violent assaults against Palestinian and allied protesters and communities, including the stabbing death of a 6-year old Palestinian boy and injury of his mother in Illinois¹⁰;

<https://www.politico.com/newsletters/national-security-daily/2023/10/11/eliminate-eradicate-level-u-s-politicians-escalate-rhetoric-against-hamas-00120909>; Brett Wilkins, ‘Level the place,’ declares Lindsey Graham as Israel does exactly that to Gaza, Information Clearing House, Oct. 12, 2023, <https://informationclearinghouse.blog/2023/10/12/level-the-place-declares-lindsey-graham-as-israel-does-exactly-that-to-gaza/#>.

⁶ Eric Adams [@NYCMayor], “At a moment when innocent people are being slaughtered and children kidnapped in Israel, it is disgusting that this group of extremists would show support for terrorism. I reject this. New York City rejects this. Do not use our streets to spread your hate.,” X, Oct. 8, 2023, <https://twitter.com/NYCMayor/status/1711121143585731008>.

⁷ See, e.g., Joseph Biden [@POTUS], “...In cities across the country, local and federal law enforcement partners are closely monitoring for any domestic threats in connection with the horrific terrorist attacks in Israel,” X, October 10, 2023, <https://twitter.com/POTUS/status/1711744505743810672>; Dan Whitcomb and Steve Gorman, US law enforcement steps up security ahead of expected Mideast protests, Reuters, Oct. 12, 2023, <https://www.reuters.com/world/us/us-law-enforcement-steps-up-security-ahead-expected-mideast-protests-2023-10-13/>.

⁸ See, e.g., The Creating Law Enforcement Accountability & Responsibility Project, et al., Mapping Muslims: NYPD Spying and its Impact on Muslim Americans (2013), <https://static1.squarespace.com/static/59134566e58c623970f2cd48/t/5cfd8de47e01750001c0859b/1560120808092/Mapping-Muslims.pdf>.

⁹ See, e.g., Sarah Rumpf-Whitten, University of Florida president releases strong pro-Israel statement, blasts ‘elite academia’, Fox News, Oct. 11, 2023, <https://www.foxnews.com/us/university-florida-president-releases-strong-pro-israel-statement-blasts-elite-academia>.

¹⁰ See, e.g., Beth Lawrence, et al., Chicago area landlord accused of killing boy, 6, stabbing woman because they were Muslim, CBS News, October 15, 2023, <https://www.cbsnews.com/chicago/news/plainfield-township-stabbing-woman-child-will-county/>; Elijah Westbrook, NYPD: Group waving Israeli flags accused of attacking 3 men in

- Severe doxing and harassment of students and individuals who sign statements in support of Palestine, tweet their sympathy, or otherwise stand in solidarity with Palestinians¹¹;
- Incitement to violence by Israel supporters and even elected officials¹²;
- Employment consequences for people who express solidarity with Palestinians or criticize Israel's actions¹³;
- Censorship on social media platforms of Palestinian voices, including news outlets reporting on Palestine¹⁴;
- Bullying and discrimination against students in K-12 schools¹⁵;
- University censorship, condemnation and discrimination against students organizing for Palestine¹⁶;
- Dangerous accusations of “antisemitism” and “support for terrorism” and calls for investigations, surveillance and censorship against Palestine advocates¹⁷;

possible anti-Palestinian hate crime in Brooklyn, CBS News, Oct. 12, 2023,

<https://www.cbsnews.com/newyork/news/nypd-group-waving-israeli-flags-attacked-man-who-yelled-free-palestine/>.

¹¹ See, e.g., Ramishah Maruf, For Palestinian Americans and activists, doxing is nothing new, CNN, Oct. 15, 2023, <https://www.cnn.com/2023/10/15/business/palestinian-americans-activists-doxxing/index.html>; Ivana Saric and Mark Deehan, Harvard student group members doxxed after Pro-Palestine letter, Axios, Oct. 12, 2023, <https://www.axios.com/2023/10/12/harvard-students-doxxed-israel-palestine>.

¹² Council Member Arrested for Bringing Gun to Protest Against Pro-Palestinian Campus Rally, The City, Oct. 13, 2023, <https://www.thecity.nyc/2023/10/13/23915609/inna-vernikov-gun-arrest-brookl-college-palestinian-israel-protest>; Middle East Eye, Pro-Israel demonstrators in New York explicitly call for killing all Palestinians and Arabs, Oct. 10, 2023, <https://www.youtube.com/watch?v=DGup5iLjUi8>.

¹³ See, e.g., Martha McHardy, Sports reporter fired for saying Philadelphia 76ers' pro-Israel post 'sucks,' Independent, October 10, 2023, <https://www.independent.co.uk/news/world/americas/phillyvoice-reporter-76ers-israel-hamas-attack-b2427177.html>; Vimal Patel and Anemona Hartocollis, N.Y.U. Law Student Sends Anti-Israel Message and Loses a Job Offer, The New York Times, Oct. 11, 2023, <https://www.nytimes.com/2023/10/11/us/nyu-law-harvard-hamas-israel.html>.

¹⁴ Prem Thakker, Sam Biddle, TikTok, Instagram Target Outlet Covering Israel-Palestine Amid Siege on Gaza, The Intercept, Oct. 11, 2023, <https://theintercept.com/2023/10/11/tiktok-instagram-israel-palestine/>; The Cradle, Meta 'taking steps' to censor support for Palestinian resistance, Oct. 13, 2023, <https://new.thecradle.co/articles/meta-taking-steps-to-censor-support-for-palestinian-resistance>.

¹⁵ Michael Abeyta, Cherry Creek students concerned with bullying following the war in Israel, CBS Colorado, Oct. 12, 2023, <https://www.cbsnews.com/colorado/news/colorado-cherry-creek-students-concerned-bullying-following-war-israel/>.

¹⁶ Bianca Quilantan, Middle East crisis pushes Education Department to curb campus protests, Politico, Oct. 12, 2023, <https://www.politico.com/news/2023/10/12/pressure-mounts-on-education-department-to-penalize-antisemitism-on-campus-00121174>; Madina Toure, Top American colleges seek to quell anti-Israel sentiment in wake of Hamas attacks, PoliticoPro, Oct. 10, 2023, <https://subscriber.politicopro.com/article/2023/10/anti-israel-sentiment-college-campuses-00120853>.

¹⁷ See, e.g., *supra* notes 6 & 7; Luke Tress, Jewish groups demand US schools defund pro-Palestinian group for lauding Hamas attack, Times of Israel, Oct. 14, 2023, <https://www.timesofisrael.com/jewish-groups-demand-us-schools-defund-pro-palestinian-group-for-lauding-hamas-attack/>; Johanna Alonso et al., A day of tension and protests on campus, Inside Higher Ed, Oct. 13, 2023, <https://www.insidehighered.com/news/students/free-speech/2023/10/13/tension-over-israel-hamas-war-grows-college-campuses>.

- Legislative initiatives displaying anti-Palestinian racism, including declaring the ineligibility for U.S. visas and inadmissibility of people holding Palestinian Authority-issued passports¹⁸;
- Law enforcement visits to Palestinian and Muslim community members, abuse, arrest, and trumped up charges for speaking out and protesting for Palestinian rights.¹⁹

The hundreds of incidents happening across the country signal a much broader effort to criminalize dissent, justify censorship, and incite anti-Palestinian, anti-Arab, and anti-Muslim harassment, doxing and vigilantism against Palestinians and their allies.

This is not a new phenomenon, but it is escalating at terrifying speed.

Over the last decade and more, Palestinians and their allies in the U.S. have gained significant traction in growing support for justice in Palestine in the face of relentless Israeli violations of human rights and international law. Over the same decade, Palestine Legal has documented extensive efforts by Israel and its lobby to attack the growing movement for Palestinian rights using tactics such as frivolous lawsuits, calls for criminalization, smear campaigns against individuals, legislation punishing peaceful boycotts, and baseless claims of discrimination based on student organizing for Palestine.²⁰ Lawmakers and public institutions have facilitated Israel's repression machine by acquiescing to pressure to censor and punish Palestinians and their allies, and have engaged in anti-Palestinian discrimination in the process.²¹

This has mirrored a broader trend in the U.S. towards the dismantling of fundamental constitutional rights to dissent, protest, and boycott.²² Right-wing groups and officials have pushed legislation undermining social justice movements, including laws aimed at curtailing

¹⁸ See, e.g., H.R. 5959, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/house-bill/5959> (titled "To make ineligible for visas, admission, or parole aliens that are holders of passports issued by the Palestinian Authority" and introduced Oct. 13, 2023).

¹⁹ See, e.g., Prem Thakker and Daniel Boguslaw, FBI targets Muslims and Palestinians in wake of Hamas attack, civil rights advocates warn, *The Intercept*, Oct. 13, 2023, <https://theintercept.com/2023/10/13/palestinians-muslims-fbi/>; @notcishet, Oct. 12, 2023, X, "a Black trans jewish woman was arrested by the nypd for giving a zionist a papercut and now the new york times, the new york post and the columbia spectator are spreading LIES about her "assaulting an israeli student with a stick." pls help us spread the truth," <https://twitter.com/notcishet/status/1712619737417499063>.

²⁰ See Palestine Legal and The Center for Constitutional Rights, *The Palestine Exception to Free Speech: A Movement Under Attack*, 2015, available at <https://palestinelegal.org/the-palestine-exception>; Palestine Legal, *Year-in-Review: Bolder and More Resilient Palestine Advocacy Resists Growing Backlash*, 2022, <https://palestinelegal.org/2022-report>.

²¹ Radhika Sainath, *The Anti-Palestinian censorship machine runs on racism*, *Jacobin*, April 1, 2023, <https://jacobin.com/2023/04/palestinian-racism-discrimination-antisemitism-definition-ihra-bds>.

²² The Center for Constitutional Rights, US Campaign for Palestinian Rights, et al., *How the "War on Terror" has Metastasized to Suppress Dissent*, <https://ccrjustice.org/sites/default/files/attach/2023/09/ICCPR%20Terrorism%20Frame%20Shadow%20Report%209.12.23.pdf>; The Center for Constitutional Rights et al., *ALEC Attacks*, 2019, <https://www.alecattacks.org/>.

academic freedom to teach about systemic racism²³; criminalizing Black Lives Matter protests and Indigenous and environmentalist protests against pipelines²⁴; and punishing social justice boycott and divestment movements, including for Palestinian rights.²⁵ Surveillance, infiltration, disinformation, harassing lawsuits, and right-wing doxing have been deployed by government and private forces against justice movements.²⁶ The attack against movements and the criminalization of protest, most recently and starkly displayed by the extreme criminal charges against activists who opposed the razing of an Atlanta forest to build a militarized police complex, is becoming normalized.

A failure to stand up now and uphold fundamental First Amendment rights and anti-discrimination laws and to stop the criminalization of dissent and the racist targeting of Palestinian and allied communities will only accelerate the erosion of the very protections that make dissent – and therefore democracy – possible. A failure to stand up against the virulent anti-Palestinian rhetoric will put whole communities in danger and fuel broader repression against them.

We therefore call on all government and elected officials and institutional decision makers to urgently protect the civil and constitutional rights of people who are calling for Palestinian freedom by:

- Affirming the humanity and dignity of Palestinians and condemning the dehumanization of Palestinians and allied communities;
- Affirming First Amendment and free speech rights to protest and organize for Palestinian rights and freedom;

²³ Peter Greene, Teacher Anti-CRT Bills Coast To Coast: A State By State Guide, Forbes, Feb. 16, 2022, <https://www.forbes.com/sites/petergreene/2022/02/16/teacher-anti-crt-bills-coast-to-coast-a-state-by-state-guide/>.

²⁴ See, e.g., International Center for Non-Profit Law, Analysis of US Anti-Protest Bills, <https://www.icnl.org/post/news/analysis-of-anti-protest-bills?location=&status=&issue=&date=>; Hillary Beaumont, Revealed: pipeline company paid Minnesota police for arresting and surveilling protesters, The Guardian, Oct. 5, 2021, <https://www.theguardian.com/uk-news/2021/oct/05/line-3-pipeline-enbridge-paid-police-arrest-protesters>; Nina Lakhani, ‘I’m not the guilty one’: the water protector facing jail time for trying to stop a pipeline, The Guardian Aug. 27, 2023, <https://www.theguardian.com/environment/2023/aug/27/climate-activist-mylene-vialard-line-3-pipeline-protest-climate-activism-crackdown>.

²⁵ Palestine Legal, Legislation targeting advocacy for Palestinian rights, <https://legislation.palestinelegal.org/>; Foundation for Middle East Peace, Free Speech-Quashing Laws Based on Israel-Focused Anti-Boycott Laws, <https://fimep.org/wp/wp-content/uploads/BDS-Laws-as-Template-for-Laws-on-Other-Issues.pdf>; Meg Cunningham, Model legislation targets banks that divest from fossil fuel companies, ABC News, Dec. 22, 2021, <https://abcnews.go.com/Politics/model-legislation-targets-banks-divest-fossil-fuel-companies/story?id=81865813>; Erika Bolstad, Boycotting the Boycotters: In Oil-Friendly States, New Bills Aim to Block Divestment from Fossil Fuels, In These Times, Mar. 19, 2021, <https://inthesetimes.com/article/fossil-fuel-divestment-ban-texas-north-dakota-oil>.

²⁶ See, e.g., Chip Gibbons, Still Spying on Dissent: The Enduring Problem of First Amendment Abuse, 2019, <https://www.rightsanddissent.org/fbi-spying/>; Alleen Brown, In the mercenaries’ own words: Documents detail Tigerswan infiltration of Standing Rock, The Intercept, Nov. 15, 2020, <https://theintercept.com/2020/11/15/standing-rock-tigerswan-infiltrator-documents/>; Micah Lee, How right-wing extremists stalk, dox, and harass their enemies, The Intercept, Sept. 6, 2017, <https://theintercept.com/2017/09/06/how-right-wing-extremists-stalk-dox-and-harass-their-enemies/>.

- Rejecting calls to condemn, monitor, or punish groups protesting for Palestinian rights, and publicly condemning incitement to violence and racist rhetoric against Palestinians and their allies;
- Ensuring the safety of protesters and communities from violent attacks by pro-Israel agitators;
- Rejecting demands to investigate, punish or fire employees or students for their statements in solidarity with Palestinians or critical of Israel;
- Ceasing and denouncing efforts to conflate advocacy for Palestinian rights with “support for terrorism,” and opposing surveillance, criminal investigations and sanctions against Palestine advocates;
- Rejecting attempts to push a distorted definition of antisemitism that aims to censor criticism of Israel and advocacy for Palestinian rights by falsely labeling it anti-Jewish;
- Providing resources to students/ employees/ constituents who are being doxed, threatened and harassed for their political views on Palestine, including but not limited to digital security services, reputation management services and community protection;
- Ensuring that students/ employees/ constituents have the resources and support services they need to deal not only with the grief and trauma of a genocidal bombardment of Gaza and severe attacks on Palestinians throughout Palestine, but also of the negation of their humanity, their experiences, and their rights in the media, by their institutions, and by government officials.

It is incumbent upon us as legal professionals to ensure that dissent on a matter of such domestic and international significance is protected, and to prevent the racist targeting of communities based on their ethnic, racial and religious identities and political views. We urge you to put the imperative of safeguarding constitutional and civil rights above any political pressure to doubly victimize Palestinians and their allies for calling for freedom and justice.

Organizational Signatories

Palestine Legal
 Center for Constitutional Rights
 American-Arab Anti-Discrimination
 Committee (ADC)
 Abolitionist Law Center
 Adalah Justice Project
 Al-Haq
 Alliance of South Asians Taking Action

(ASATA)
 American Muslim Bar Association
 Attorneys of Chicago
 Black and Brown United in Action
 California Collaborative for Immigrant
 Justice
 Center for Protest Law & Litigation
 Center for Security, Race and Rights

Civil Liberties Defense Center
Civil Rights Corps
CLEAR Project
Climate Defense Project
Council on American-Islamic Relations (CAIR)
Council on American-Islamic Relations (CAIR) - San Francisco Bay Area
Defending Rights & Dissent
Detroit Justice Center
First Defense Legal Aid
Five Borough Defenders
Justicia Digna
Las Americas Immigrant Advocacy Center
Law 4 Black Lives
Marashi Legal
MidEast JustPeace, Grand Traverse Area MI
Movement Law Lab
Muslim Advocates
Muslim Bar Association of New York
Muslim Justice League
Muslims for Just Futures
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
National Lawyers Guild (NLG)
NLG - Alabama
NLG - Anti-Racism Committee
NLG - Arizona State University Law
NLG - Chicago

NLG - Chicago-Kent
NLG - Detroit & Michigan
NLG - Madison WI
NLG - Massachusetts
NLG - Michigan Law
NLG - Military Law Task Force
NLG - Minnesota
NLG - Rochester
NLG - San Diego
NLG - San Francisco Bay Area
NLG - Seattle University School of Law
NLG - University of California, Davis, School of Law (King Hall)
NLG - University of Denver Sturm College of Law
NLG - University of Southern California
Palestine Legal
Pangea Legal Services Partnership for the Advancement of New Americans
Partnership for Civil Justice Fund
Poligon Education Fund
Project ANAR
Project South
Rights for Animal Rights Activists
The Unionized Staff of Mobilization for Justice
University Network for Human Rights
Water Protector Legal Collective

For list of individual signatories see [here](#).