

The How-To of Shutting Down Pro-Palestinian Speech and Protest in the US

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This chapter was completed in February 2024. It does not take into account much more recent developments.

INTRODUCTION

For the better part of the past decade, a constellation of pro-Israel, anti-Palestinian forces in the United States has energetically targeted activism and free speech that center Palestinian rights, history, and identity; that call out Israeli violations of Palestinian human, civil, and legal rights; or that challenge the political ideology of Zionism.¹ These forces include US legacy Jewish community organizations, Christian Zionist and related right-wing US political actors, forces linked to the Israeli political right and far right, and the government of Israel itself.²

Their efforts have included two key areas of focus. First, they have promoted laws that delegitimize the Boycott, Divestment, and Sanctions (BDS) movement itself, and that seek to prevent and punish the use of the tactics of boycotts and calls for divestment and sanctions – irrespective of any connection to the BDS movement – as tools to protest Israeli policies and actions, including those related to Israeli settlement of areas occupied in the Six-Day War in 1967. Second, they have promoted

laws and policies that define any and all criticism and activism targeting Israel, Israeli policies, or Zionism, or any assertion of or support for Palestinian rights, history, and identity, as “antisemitic.” These efforts all depend on a self-reinforcing strategy in which pro-Palestinian sentiment, whether expressed in activism or scholarship or at times even humanitarian efforts, becomes associated in the public consciousness and in policy at the state and federal level with antisemitism and support for terrorism.

There are other common threads worth mentioning. For instance, efforts to delegitimize and suppress pro-Palestinian speech and protest have generally enjoyed bipartisan support. Many Democrats, who in virtually any other context would align themselves with groups like the American Civil Liberties Union (ACLU), have in the case of anti-Palestinian narratives and legislation preferred to make common cause with Republicans in support of policies and legislation that attack and erode Americans’ right to free speech and political protest.³ Similarly, many of the same Republicans who in recent years have come out as free speech absolutists – motivated by the view that conservative voices are discriminated against on US campuses and in the public square⁴ – are the ones leading the charge to expand and cement a Palestine-focused exception to Americans’ free speech and protest rights.⁵ Both Democrats and Republicans have regularly used anti-Palestinian policies and laws as a hook for political grandstanding and point-scoring. This includes centrist Democrats joining their Republican counterparts to attack more progressive Democrats for failing to stay on the anti-Palestinian bandwagon.

These efforts achieved significant but not decisive results over the past decade. The October 7, 2023 Hamas attack on Israel and its aftermath represents an inflection point – but toward what outcome is as yet unclear. On the one hand, anti-Palestinian forces are seizing the attack as an opportunity to double down on their delegitimization frameworks. Their clear goal: to make free speech, activism, scholarship, and solidarity in support of Palestinian rights socially and politically radioactive and, to the greatest extent possible, illegal, once and for all. On the other hand, pro-Palestinian activism is surging, drawing stronger and wider support, and gaining greater legitimacy than at any time in the past.

SUPPRESSING OF FREE SPEECH/ACTIVISM FOR PALESTINE, PRE-OCTOBER 7, 2023

Anti-BDS legislation

From the time it was launched in 2005, pro-Israel actors in the US focused enormous efforts on promoting the view that the BDS movement was antisemitic. In terms of legal efforts, this framing came to the fore in the context of pro-Israel forces' determination to secure US support for and defense of Israeli settlements in lands occupied by Israel in 1967. Harnessing near-consensus anti-BDS views among elected officials, an array of pro-Israel actors promoted legislation that explicitly erases any distinction between settlements and the state of Israel, condemning all boycotts of both Israel and settlements as illegitimate and antisemitic. They also developed and exploited various legal hooks (most notably the awarding of state contracts and the investment/divestment of state funds) as the basis for punishing people who engage in or refuse to promise to refrain from such boycotts.⁶

State legislatures

During this period, efforts to promote anti-BDS laws in the US enjoyed significant success, with more than half of US states adopting one or more such laws, in addition to a number of states where anti-BDS legislation was adopted via Executive Order of the governor.⁷ These were in addition to numerous non-binding anti-BDS resolutions and proclamations. With respect to the actors pushing these laws, as I detailed elsewhere, "A wide range of pro-Israel organizations, Jewish and Christian Zionist, have from the start lobbied energetically in support of state-level anti-BDS laws. A smaller circle of actors has publicly claimed credit for conceiving and drafting the laws themselves."⁸ Perhaps most notably, Israeli government officials have publicly claimed credit for these laws, including the former minister of strategic affairs,⁹ whose ministry has for years worked to combat BDS – the movement and the tactics – worldwide, and then (and now once again) prime minister Benjamin Netanyahu.¹⁰

Anti-BDS laws for a long time attracted little notice from the general public. This changed after a few prominent companies, most notably Airbnb¹¹ and Ben and Jerry's,¹² decided to cease operations in Palestinian territories

occupied by Israel in 1967, sparking outrage from pro-Israel forces and announcements of punishment under anti-BDS laws.¹³ These laws also drew attention due to media coverage of various legal challenges against them, with plaintiffs in multiple states arguing the laws violated their First Amendment free speech rights.¹⁴ Numerous judges hearing these cases made clear that they believed that the laws were unconstitutional. In such cases, state legislatures responded by amending the laws – not to cure the unconstitutional elements, but to narrow the laws’ scope, stipulating that they do not apply to low-value contracts or to individuals or sole proprietorships. The good news for the plaintiffs was that the amendments meant they were no longer harmed by the anti-BDS laws. The bad news was that the amendments also resulted in them losing standing to challenge the laws in court.¹⁵ Those tweaks were replicated in anti-BDS legislation subsequently introduced in other states.

One legal case deserves extra attention: the *Arkansas Times*’s challenge of the state of Arkansas’s anti-BDS law. The newspaper argued that requiring it to sign the Israel anti-boycott pledge as a condition on the sale of advertising space in the paper to state agencies violated the First Amendment. After a lengthy court battle, including both an initial loss and a win on appeal, the Eighth Circuit Court of Appeals (*en banc*) ruled against the *Arkansas Times*. Little noted in the coverage of that case is the fact that the Court’s ruling did not merely agree that boycotts of Israel/settlements are not protected by the First Amendment; the Eighth Circuit’s ruling found more broadly that the right to engage in *any* boycott (as opposed to the right to call for or express support for boycotts) is not protected by the First Amendment.¹⁶ The Supreme Court subsequently declined to take up the case on appeal, leaving in place an Eighth Circuit ruling – celebrated by defenders of Israel¹⁷ – that eviscerates Americans’ right to boycott anything, for any reason.¹⁸

Congress

Anti-BDS efforts in the US Congress during this same period showed less impressive results. The main success of these efforts came in 2015 and 2016, when then President Obama signed into law two pieces of legislation that explicitly conflate the state of Israel with settlements, and make it US policy to oppose boycotts, divestment, or sanctions of either.¹⁹ Since that time, anti-BDS legislation in various forms has been repeatedly introduced in

both the House and the Senate.²⁰ These include various versions of the Israel Anti-Boycott Act (to impose huge fines and even jail time on Americans who engage in or support boycotts of settlements) and the Combating BDS Act (to give encouragement and legal cover to anti-BDS laws in US states). These and other anti-BDS bills²¹ have repeatedly failed to pass into law, in large part due to huge grassroots opposition backed by the ongoing engagement of civil rights groups.

Anti-BDS laws as model legislation

Building on the success of pro-Israel anti-BDS legislation, beginning in 2021 anti-BDS laws began being repurposed, predictably,²² in state legislatures. The goal of this new effort was to exploit the well-tested and court-perfected anti-BDS laws as a model for new bills seeking similarly to prevent and punish protest against a range of right-wing interests, including the fossil fuel industry and the guns and ammunition industry.²³ This new tactic evolved quickly to target two social and economic trends that were increasingly at the center of right-wing “anti-woke” campaigning:²⁴ ethical investing, better known as ESG (environmental, social, and governance); and the effort to promote diversity, equity, and inclusion (DEI) in the workforce, academia, and other arenas. In parallel, this period saw a burgeoning campaign against ESG-focused organizations, led by a combination of pro-Israel forces and right-wing anti-ESG forces who claimed (and continue to claim) that ESG is a form of BDS, since (unless ESG adopts special rules for Israel), Israeli companies can be caught in its various screens, in particular those related to human rights, international law, and conflict-affected areas.²⁵

Weaponizing accusations of “antisemitism”

As anti-BDS laws gained traction across the US, this period also witnessed a new and rapidly escalating effort to codify into law – both in state legislatures and in Congress – a highly contentious definition of antisemitism promulgated by the International Holocaust Remembrance Alliance (IHRA), widely referred to as the “IHRA definition.”²⁶ The IHRA definition is widely contested by antisemitism experts including Kenneth Stern, who drafted the original definition, and the ACLU.²⁷ As explained in a January 2023 ACLU-led letter to the American Bar Association (ABA):

while its champions present the IHRA definition as a “consensus” and “non-controversial” definition, nothing could be further from the truth. The IHRA definition has been challenged, vigorously, by hundreds of anti-Semitism experts, rabbis, and scholars of Jewish studies, Jewish history, and the Holocaust, by Palestinians who have borne the brunt of its application, as well as by experts on fighting racism and free speech. These experts – who include Kenneth Stern, the original lead drafter of the definition – have published hundreds of reports and articles articulating their concerns and objections. They have given speeches at countless think tanks, universities, synagogues, and international forums. They have presented testimony before Congress, and even before the ABA in connection with this resolution. Concern about either the misuse of, and/or the plain text of, the IHRA definition among Jewish scholars is so acute that it has given rise (so far) to two mainstream, independent projects aimed at developing alternative definitions.²⁸

Irrespective of the intent of its drafters and backers (something that is a matter of fierce debate), the IHRA definition has been turned into a powerful weapon aimed almost exclusively at Palestine rights-focused free speech, activism, scholarship, and solidarity. This is because of the “illustrative examples” it includes – many of which focus not on speech/actions related to Jews or Judaism, but on speech/actions related to Israel and Zionism. These examples are being used in almost every imaginable context to attack virtually any meaningful criticism of Israel, or rejection of Zionism, or assertion of Palestinian rights, identity, history, or lived experience, as antisemitic.²⁹

State legislatures

During this period more than half of US states adopted the IHRA definition of antisemitism. Most did so via non-binding proclamations and resolutions,³⁰ but a number of states adopted the IHRA definition into law in various forms, including several states that inserted it into their hate crimes legislation. In such cases, in effect, a protester charged with trespassing or vandalism could, hypothetically, face enhanced sentencing (harsher punishment) if the alleged crime was accompanied by – for example – posters or chants calling for Palestinian rights.³¹ Similar to the case with anti-BDS laws, there

were also repeated efforts in Congress to pass the IHRA definition into law, including in the form of the Antisemitism Awareness Act (legislation that, notwithstanding its title, is focused explicitly on suppressing Palestine-focused free speech on US campuses). These efforts were unsuccessful, once again largely thanks to strong grassroots opposition backed by sustained engagement by key civil rights organizations.

Federal government

On December 11, 2019, then president Donald Trump signed an Executive Order on Combating Antisemitism.³² The centerpiece of this Executive Order is the adoption of the IHRA definition as part of Title VI civil rights anti-discrimination protections, with the clear target being Palestine-related speech and activism on college campuses. This move was significant; previously, the only US government adoption of the IHRA definition was by the State Department for the purpose of combating antisemitism in other countries. In November 2020, Trump's secretary of state Mike Pompeo announced plans to label prominent international human rights organizations "antisemitic" based on the IHRA definition (plans that did not come to fruition).³³

After taking office in January 2021, President Joe Biden rescinded a number of Trump's Executive Orders, but not his Executive Order on Combating Antisemitism – fueling hopes (of IHRA supporters) and fears (of Palestinian free speech defenders) that the Biden administration would give in to pressure to formally adopt the IHRA definition of antisemitism as US policy across the whole of the US government. However, Biden's May 2023 National Strategy to Counter Antisemitism³⁴ conspicuously gave only passing mention to the IHRA definition (conspicuously, because whether/how the strategy would deal with the IHRA definition was the focus of extensive lobbying and speculation in the run-up to the strategy's release).³⁵ Biden's strategy arguably weakened the existing US recognition of the IHRA definition, including by referencing two alternative definitions of antisemitism, both formulated by antisemitism experts as alternatives to the IHRA definition. The Biden strategy explicitly mentioned one of them, known as the "Nexus definition of antisemitism,"³⁶ and noted the existence of other antisemitism definitions, in what was clearly an implicit reference to what is known as the Jerusalem Declaration on Antisemitism.³⁷ Moreover, it included an articulation of the Biden administration's own definition of

antisemitism. That definition focuses, notably, on speech/actions targeting Jews and Judaism, with no reference to Israel or Zionism. Yet, in the immediate aftermath of the release of the Biden antisemitism strategy, it became clear that individuals and groups the Biden administration would rely on to operationalize its plan, both inside and outside of government, remained devoted to the IHRA definition, and were determined to proceed as if the Biden strategy had fully, and exclusively, endorsed it.³⁸ Indeed, the strategy identified as a key partner and implementer of the strategy the Anti-Defamation League – a civil society group that has long made the adoption and enforcement of the IHRA definition one of its key objectives, and the strategy approvingly cited that same group’s data tracking antisemitism in the US, notwithstanding the fact that this tracking is based on the IHRA definition.

Impact

Notwithstanding the limited/mixed success of those aiming to see the IHRA definition adopted by state legislatures, Congress, and as a matter of national policy, the IHRA definition’s impact has been widespread. As noted in the previously referenced ACLU-led letter to the ABA:

The IHRA definition has been instrumentalized, again and again, to delegitimize critics and criticism of Israel and its policies, and to suppress voices and activism in support for Palestinian rights. The most common targets of IHRA-based attacks have been university students, professors, and grassroots organizers over their speech and activism on Israel/Palestine; IHRA has likewise been used to disparage (among others) human rights and civil rights organizations, humanitarian groups, and members of Congress for documenting or criticizing Israeli policies or speaking out about Palestinian rights.³⁹

For example, during this period the IHRA definition was used as the source of authority for allegations of antisemitism against universities and academics, both in formal letters of complaint to the Department of Education and in lawsuits⁴⁰ – a strategy that relied in large part on Trump’s 2019 Executive Order. It was cited as the basis for attacking members of Congress, international human rights groups, and individuals as antisemitic

– including, for example, for using the word “apartheid” in connection with Israel’s treatment of Palestinians.⁴¹ It was cited by pro-Israel groups, lawfare actors, members of Congress, and others in the context of accusations that social media companies are platforming antisemitism, and as the basis for demands that they shut down pro-Palestine accounts and censor pro-Palestinian content.⁴²

Tarring Palestinian rights activism with the brush of terrorism

In addition to laws and policies targeting BDS and seeking to codify and enforce the IHRA definition of antisemitism, a third line of effort is ever-present in the campaign to delegitimize and suppress pro-Palestine activities and voices: the equating of activism for Palestinian rights with terrorism. Use of this tactic has ebbed and flowed over the years. It was a dominant argument in the decades following the Six-Day War, dissipating around 1993 and the advent of the Oslo era. It saw a resurgence in the context of the Second Intifada and especially in the post-9/11 era, when new US anti-terror laws, passed ostensibly to deal with threats posed by Al-Qaeda and its ilk, were turned against Palestine-focused organizations and activists. More recently, the conflation of Palestine activism with terrorism re-emerged as a central tactic of pro-Israel forces over the past decade, as part of the broader strategy to push back against growing grassroots pressure to hold Israel accountable for its violations of Palestinian rights.

The renewed effort to link Palestinian civil society and activism with terrorism involves the direct and very public engagement of the government of Israel, largely via its Ministry of Strategic Affairs, and the energetic participation of a constellation of NGOs, based inside and outside of Israel, that are closely linked to the government of Israel.⁴³ Together, these forces invested enormous funding and energies in making the case that virtually every major Palestinian human rights or civil society organization, and most grassroots pro-Palestine activism, was linked to terrorism. This campaign took a new turn in October 2021, when the government of Israel formally designated six prominent Palestinian NGOs as terrorist groups.⁴⁴ Notably, the Biden administration refrained from adopting or publicly validating these designations (as of this writing, none of these groups appear on US

lists of proscribed organizations), notwithstanding the concerted efforts of the Israeli government,⁴⁵ including the repeated provision to the US of alleged “evidence.” At the same time, despite apparently concluding that said “evidence” did not justify slapping a “terrorist” label on the groups,⁴⁶ the Biden administration opted to refrain from any public statement defending or exonerating the organizations – leaving Israel’s “terrorist” designations out there to be used as a tool to attack groups and individuals who work with them or cite their work.

The accusations of associations with terrorism – even before Israel’s formal designations – had a real impact on Palestine-focused free speech. As noted in a 2015 report by Palestine Legal and the Center for Constitutional Rights (CCR):

The primary tool in the arsenal of Israel advocacy organizations is public vilification of supporters of Palestinian rights – and their advocacy campaigns – as antisemitic or pro-terrorism ... Even where the threat does not result in self-censorship, accusations of anti-Semitism and support for terrorism often persuade campus authorities to restrict or punish protected speech ... Israel advocacy organizations frequently accuse advocates for Palestinian rights of supporting violence and terrorism ... The claim that Palestine activists support terrorism frequently relies on anti-Muslim and xenophobic stereotypes about the inherent violence and hateful worldviews of Arab, Muslim, and international students ... Most importantly, the accusations detailed in this section are baseless; no links between terrorism and student activism for Palestinian rights have been substantiated ... Mere allegations of association with terrorism stigmatize and intimidate the target. Against the specter of increasingly draconian criminal prosecutions, such accusations – although baseless and often laughable – lead many scholars and students to self-censor out of fear of endangering their careers.⁴⁷

In addition, allegations of association with terrorism have been used to attack members of Congress (for engaging with or citing the work of Palestinian groups);⁴⁸ US universities (for engaging with or permitting guest appearances by members of these groups);⁴⁹ US philanthropists (for funding Palestinian organizations);⁵⁰ Palestine-focused activists and solidarity groups in the

US (for working with and supporting Palestinian groups);⁵¹ and US and international civil society (for supporting and engaging with Palestinians).⁵²

POST-OCTOBER 7, 2023

Following October 7, 2023 the Israeli government launched a devastating war on the Gaza Strip. This war – live-streamed on social media and Middle East news networks, and making the headlines of Western media – has sparked an unprecedented outpouring of pro-Palestinian grassroots activism across the US (ongoing at the time of writing). This activism has included regular protests opposing Israel’s actions in the Gaza Strip; opposing US support for these actions, including opposing the Biden administration’s continuing to provide Israel with more weapons and munitions to use against Palestinians; demanding a ceasefire; and calling for Palestinian rights and freedom more broadly, in the whole area between the Jordan River and the Mediterranean Sea.⁵³

This surge of pro-Palestine activism has met with a parallel escalation of efforts to delegitimize and suppress pro-Palestine speech and views, especially on US college campuses, on social media, and in the context of grassroots protests.⁵⁴ Describing this assault on pro-Palestinian speech and activism in an essay published in December 2023, attorney Joseph Pace wrote:

Federal authorities are now investigating the University of Pennsylvania in response to a complaint alleging that the university failed to protect Jewish students from discrimination. The university’s main offense: permitting a “Palestine Writers Festival,” during which participants called for a one-state solution, discussed the Palestinian right of return, made “false equivalencies between Israel and Nazi Germany,” and used the phrase “Jewish supremacy.” Shortly thereafter, NYU students filed an anti-discrimination complaint against the university for failing to punish, expel, or disinvite people who called Israel “racist” and an “apartheid” state, declared their support for the Boycott, Divestments, Sanctions campaign, or opined that “resistance is justified when a people are occupied.” The plaintiffs are demanding that university staff who “permitted” these criticisms be

fired, and the students who uttered them be suspended or expelled. And these examples are but a few snowflakes plucked from a blizzard of similar complaints that are being filed.⁵⁵

These efforts to delegitimize pro-Palestine solidarity have produced a flood of complaints and lawsuits against US campuses for alleged antisemitism – virtually all relying on the IHRA definition of antisemitism.⁵⁶ They have given birth to public policing of pro-Palestinian voices, according to which demands for a ceasefire are equated with support for terrorism and calls for Palestinian rights are equated with support for genocide and violence against Jewish people. They have also led to numerous campuses investigating and suspending student activist groups, most notably Students for Justice in Palestine, based on claims that their activism constitutes support for or incitement to terrorism.⁵⁷ As noted in an October 31, 2023 article by national security expert Spencer Ackerman:

An “urgent” open letter issued last Thursday by the ADL [Anti-Defamation League] – which, lest we forget, promotes itself as one of America’s leading defenders of civil rights – and the Louis Brandeis Center for Human Rights Under Law urged college and university administrators to “immediately investigate” their campus chapters of Students for Justice in Palestine (SJP) for “potential violations of the prohibition against materially supporting a foreign terrorist organization.” They claim to have sent the letter to nearly 200 schools. The ADL provided not a shred of evidence for that incendiary, potentially life-ruining accusation. It instead cited overheated rhetoric at pro-Palestinian campus demonstrations post-October 7, including from some who defended Hamas. It interpreted references to “resistance” to the siege, bombardment, and invasion of Gaza exclusively as support for terrorism – not, say, as a rejection of the Israeli stranglehold around a densely packed area of 2.3 million people.⁵⁸

These efforts have also fueled an open assault on free speech and Palestinian rights activism from Capitol Hill. This includes attacks on members of Congress for supporting Palestinians or calling for ceasefire,⁵⁹ and the introduction of numerous pieces of legislation targeting Palestinians and Palestine rights activism. In addition, Republicans have launched a public

witch hunt targeting academia,⁶⁰ harnessing bipartisan pro-Israel hysteria over Palestine-related protest to the political right's pre-existing "anti-woke" agenda. The result is a bipartisan assault on academia that sends a clear message to leaders of both private and public academic institutions: if you permit pro-Palestine free speech, you will lose your funding and your jobs. Notably, this very strategy was publicly embraced and recommended in November 2023 by the government of Israel.⁶¹

Writing on October 30, 2023, Palestine Legal's Radhika Sainath summarized the broader impacts of the post-October 7 assault on pro-Palestinian free speech:

my office has received a tsunami of requests for legal help from people who have been fired, doxxed, canceled, censored, and physically threatened for speaking out for Palestinian freedom. No profession is untouched. We've received over 370 calls from lawyers, doctors, journalists, professors, teachers, students, and other workers in non-profits, government, and the corporate world who have been fired, locked out of email accounts, questioned, or put on leave for signing open letters or retweeting material criticizing Israel or otherwise not sufficiently marching in lockstep behind Israel's actions. The range of targets spans Starbucks workers, Harvard students, MSNBC reporters, Pulitzer Prize winners, editors of science journals, and the Hadids. 92NY canceled a talk by Viet Thanh Nguyen after he signed an open letter in the *London Review of Books* supporting Palestinian rights. Events promoting Nathan Thrall's *A Day in the Life of Abed Salama* have likewise been canceled because the book dared to humanize Palestinians ... This repression amounts to a McCarthyite backlash. The climate of censorship, suppression, and intimidation resembles the aftermath of 9/11; it is what the CCR and we at Palestine Legal have called the "Palestine exception to free speech" – the "real cancel culture," or whatever you want to call it – in action.⁶²

LOOKING AHEAD

At the start of 2024, a slew of legislation is pending in both chambers of the US Congress targeting Palestine-focused free speech, including bills

introduced both before and after October 7, 2023. These include bills invoking the IHRA definition, targeting free speech of protesters and on US campuses, and targeting boycotts of settlements and/or Israel.⁶³ Assuming that current pro-Palestinian grassroots protests continue and given the likely intensification of pro-Israel political dynamics in the countdown to 2024 primaries and elections, and in response to actions in the International Court of Justice,⁶⁴ it is a near certainty that some of these bills, or similar initiatives not yet introduced, will pass into law. Efforts will also grow in US states to pass IHRA-related laws; indeed, by late January, the Georgia legislature had passed a law enforcing the IHRA definition, and similar laws were advancing in Indiana, Florida, and South Dakota.⁶⁵ In parallel, pressure will grow for the Biden administration to fully adopt and enforce the IHRA definition. Likewise, given the enormous success of campaigns targeting US academia, there is every reason to expect that these campaigns will expand and escalate, including attempts to label students and grassroots activists antisemites and supporters of terrorism, and seeking to punish⁶⁶ and even legally prosecute them accordingly.

At the same time, it is important to note that, notwithstanding the enormous energies, funding, and political capital going into efforts to shut down Palestine-related free speech in the United States, it wasn't working before October 7, 2023, and it has been having even less success since. Palestine Legal's Danya Zituni summed up the situation succinctly:

The US ruling establishment has failed miserably to control the narrative of this genocidal war. Stenographers to power are being widely mocked and protested for parroting the Israeli military's comically bad disinformation brimming with debunked facts. Hundreds of thousands of people have taken increasingly bold actions to demand an immediate ceasefire, a position that the majority of US voters now support, even as the Biden administration callously insists on a lone UN Security Council veto. Because they cannot win the debate, the machine of anti-Palestinian repression has been working overtime to censor, punish, threaten, and criminalize the most basic expressions for Palestinian freedom.⁶⁷

Indeed, the massive, and sustained, grassroots pro-Palestinian protests that started in response to Israel's post-October-7 retaliation in the Gaza Strip

speak for themselves.⁶⁸ Moreover, it is clear that some ostensibly successful efforts to suppress pro-Palestine activism are backfiring. For example, while campaigns against SJP have resulted in the group being ejected from or suspended on some campuses, they have also catalyzed the creation of new Palestine solidarity groups led by faculty members, including at New York University,⁶⁹ Brown,⁷⁰ Trinity College,⁷¹ Haverford College,⁷² Princeton,⁷³ Harvard,⁷⁴ Mount Holyoke,⁷⁵ Rutgers,⁷⁶ and the majority of University of California colleges.⁷⁷ There have been public resignations from the State Department⁷⁸ and public letters of protest from staff in Congress and in the Biden administration.⁷⁹ In addition, there have been powerful interventions from members of the private sector who are appalled both at what Israel is doing and at the targeting of Americans for speaking up in protest. In at least one instance, after a high-profile member of the tech industry spoke out⁸⁰ and lost his job, he doubled down by launching⁸¹ a new initiative, “Tech for Palestine,” with the mission of ending “the dehumanization of Palestinians within the tech community, and to bring voice to those who speak up.”⁸² Likewise, more Jewish Americans are speaking out against efforts to delegitimize and suppress pro-Palestinian speech including, for example, the former executive director of Harvard Hillel, who in the context of attacks on Harvard published a remarkably forthright op-ed, stating:

As a leader in the Jewish community, I am particularly alarmed by today’s McCarthyist tactic of manufacturing an anti-Semitism scare, which, in effect, turns the very real issue of Jewish safety into a pawn in a cynical political game to cover for Israel’s deeply unpopular policies with regard to Palestine. (A recent poll found that 66 percent of all US voters and 80 percent of Democratic voters desire an end to Israel’s current war, for instance.) What makes this trend particularly disturbing is the power differential: Billionaire donors and the politically-connected, non-Jews and Jews alike on one side, targeting disproportionately people of vulnerable populations on the other, including students, untenured faculty, persons of color, Muslims, and, especially, Palestinian activists.⁸³

Likewise, attempts to “cancel” and punish people and organizations for the sin of expressing solidarity with Palestinians are generating fierce legal pushback,⁸⁴ as are campus “anti-antisemitism” policies that boil down to

illegal targeting of Palestinian, Muslim, and Arab students. Indeed, as anti-Palestinian efforts in the US continue to expand and escalate, groups like Palestine Legal, the Center for Constitutional Rights, and the ACLU are increasing their own efforts both to defend people under attack and to go on offense against policies that unfairly and illegally target and discriminate against Palestinians and supporters of Palestinian rights.⁸⁵

Finally, it is perhaps most important of all to remember the reason why the assault on Palestine-related free speech continues. As the critic Andrea Long Chu observed in an essay published on December 12, 2023:

anti-Zionism is an idea, not a rock; but if it were only an idea, without any practical potential, then there would be no point in throwing it. The difference right now is that, given the tremendous political and ideological instability introduced by the war, a number of powerful people in America currently believe that talking about freeing Palestine could actually end up freeing Palestine, and it is this cascade of actions that they are ultimately trying to suppress. This tells us something very important: They are afraid.⁸⁶