



PALESTINE LEGAL

September 15, 2023

VIA EMAIL

University of Pennsylvania
Office of the President
M. Elizabeth Magill
1 College Hall, Rm 100
Philadelphia, PA 19104-6380
Email: president@upenn.edu

Re: Ensuring Penn Rejects Anti-Palestinian Racism and Demands to Censor and Malign Palestine Writes Literature Festival

Dear President Magill:

We write with respect to the Palestine Writes Literature Festival which is scheduled to be held at the University of Pennsylvania (Penn) from September 22-24 and will be attended by Penn students and professors, along with hundreds of registered community members, and is co-sponsored by several Penn Departments.¹

As you are aware, the literature festival, billed as a place to “share the magnificence of Palestine’s indigenous heritage,” features lectures by bestselling novelists, a winner of the Pulitzer Prize, a National Book Foundation 5 under 35 honoree, an America’s 100 most influential Black leaders awardee, and a winner of the Peabody Award – among numerous other luminaries.² Nevertheless, it has drawn criticism from the ADL, the Zionist Organization of America (ZOA), Penn Hillel and other Israel lobby groups

¹ The conference is co-sponsored by the Wolf Humanities Center, the Middle East Center, the Department of Near East Languages and Civilization, the Kelly Writers House, the Department of Cinema Studies, Public Trust (Slought), and the Sachs Fund for Arts and Innovation. Several student groups, including Penn Against Occupation (PAO), al-Maydan (Forum of Arab Graduate Students at UPenn) and the Muslim Student Association (MSA) have also supported the event.

² For a full list of presenters, see PALESTINE WRITES LITERATURE FESTIVAL, Speakers (last visited Sept. 14, 2023), <https://palestinewrites.org/participants-2022/>.

demanding that the University undertake increased scrutiny, monitoring, censorship and other discriminatory and punitive actions to undermine or stop the festival.³

These groups have argued that it is threatening for Palestinians and conference attendees to be allowed to access buildings near Jewish students⁴, that Penn should not allow a gathering of Palestinians and other guests on campus six hours before the start of a Jewish holiday,⁵ and that the conference must be cancelled for Jewish students to feel safe on campus.⁶

Claims from Israel lobby groups that an event featuring Palestinians, celebrating Palestinian culture, and/or supporting Palestinian rights will create a “hostile environment for Jewish students” on campus have no basis in law or fact. Rather, they are based on the bigoted notion that the open existence of Palestinians or expressions of their identity on campus is unsafe for Jews. We ask that you strongly reject this contention and defend the right of Palestinians to celebrate their culture and literature, as you would any other group.

What Israel apologists are demanding at Penn is the same discrimination and attempted erasure of Palestinians that Israel is practicing against Palestinians on the ground – which Amnesty International and Human Rights Watch (among several other human rights organizations) have concluded amounts to the crime of apartheid.⁷ You must reject all pressure to make the University a vehicle for such racist action and rhetoric.

³ See Jarrad Saffren, *Penn is hosting a festival celebrating Palestinian culture. Is it anti-Israel?*, PHILADELPHIA JEWISH EXPONENT (Sept. 12, 2023), available at <https://www.jewishexponent.com/penn-is-hosting-a-festival-celebrating-palestinian-culture-is-it-anti-israel/>, Letter from Jason Holtzman, Director Jewish Community Relations Council of the Jewish Federation of Greater Philadelphia and Andrew Goretsky, Regional Director, Anti-Defamation League, Philadelphia to Liz Magill, President, University of Philadelphia (Undated), on file with Palestine Legal; ISRAEL WAR ROOM, Urge UPenn to Condemn Antisemitic Conference (last visited Sept. 14, 2323), https://www.israelwarroom.com/petitions/urge-upenn-to-condemn-antisemitic-conference?fbclid=IwAR2_3jB5Fka6A6_U8wZigmlR7OEQfnPIQIh3-13-bnhirUzYt_j_7zlg4Rw; Email from Gabe Greenberg, Rabbi and Executive Director, Penn Hillel (Sept. 8, 2023), <https://drive.google.com/file/d/15X8ZZJCcHKIh5TgGCa3OHCUY2POP8MXp/view>.

⁴ According to Jewish Exponent, *supra* at Note 3, Penn Hillel complained that “Certain events will happen in a building next to Houston Hall, where Jewish students will be observing Yom Kippur on Sept. 24.”

⁵ Yom Kippur begins at sundown (6:54 pm) on Sunday September 24. The conference ends at 1pm.

⁶ The Zionist Organization of America is calling for the conference to be cancelled. ZIONIST ORGANIZATION OF AMERICA, ZOA Action Alert – Please Take Action to Stop the ‘Palestine Writes’ Antisemitic, Anti-Israel Hate Fest at University of Pennsylvania (last visited Sept. 15, 2023), [HTTPS://ZOA.ORG/2023/09/10448335-ZOA-ACTION-ALERT-PLEASE-TAKE-ACTION-TO-TRY-TO-STOP-THE-PALESTINE-WRITES-ANTISEMITIC-ANTI-ISRAEL-HATE-FEST-AT-UNIVERSITY-OF-PENNSYLVANIA/](https://zoa.org/2023/09/10448335-ZOA-ACTION-ALERT-PLEASE-TAKE-ACTION-TO-TRY-TO-STOP-THE-PALESTINE-WRITES-ANTISEMITIC-ANTI-ISRAEL-HATE-FEST-AT-UNIVERSITY-OF-PENNSYLVANIA/).

⁷ *Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, AMNESTY INT’L (Feb. 1, 2022), <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>; *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, HUMAN RIGHTS

We urge you to issue a strong statement recognizing the grave risks such calls for condemnation, surveillance and censorship pose to the climate of academic freedom at Penn and for professors engaged in scholarship and critical discussions. Penn must ensure that Palestine Writes goes forward as planned and that the University is able to live up to its contractual and educational responsibilities. While your September 12 statement is correct that Penn's commitment to freedom of expression requires the University to allow this conference to take place, it is important to recognize that attacks on this conference are part of a larger effort to dehumanize Palestinians and punish those who support Palestinian humanity, which include numerous tactics to burden speech advocating for Palestine.⁸ We urge you to ensure that the University not only allows the event to take place, but that it also refrains from imposing extra burdens on the event, including security fees, bureaucratic hurdles and surveillance.

In addition, Penn must publicly reject efforts to malign the conference and participants and instead uplift the rights of Palestinians to engage in such an artistically and intellectually rigorous cultural celebration on campus. By repeating the conclusions of conference opponents who are falsely maligning as antisemites conference participants because they support Palestinian freedom and equality, Penn is guilty of perpetuating the anti-Palestinian racism that is at the heart of these detractors' claims. The conflation of criticism of Israel with anti-Jewish sentiment is a tired old tactic that should be rejected. Moreover, suggestions that Jewish students are at risk of any kind of physical harm plays into harmful stereotypes about Palestinian, Arab and Muslim students.⁹

Please be advised that acceding to demands for increased scrutiny, surveillance and disparate treatment of this conference would not only violate the free speech principles¹⁰ to which the University claims to adhere, but could also give rise to a violation of Title VI of the Civil Rights Act of 1964.¹¹

WATCH (Apr. 27, 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution/>.

⁸ See CTR. FOR CONST. RTS. & PALESTINE LEGAL, *THE PALESTINE EXCEPTION TO FREE SPEECH: A MOVEMENT UNDER ATTACK IN THE US* (2015), available at <https://ccrjustice.org/the-palestine-exception>; *2022 Year-In-Review: Bolder and More Resilient Palestine Advocacy Resists Growing Backlash*, PALESTINE LEGAL, <https://palestinelegal.org/2022-report> (last visited Sept. 14, 2023).

⁹ See ZOA Action Alert, *supra* at Note 6 claiming that “This program is a danger to the University of Pennsylvania Jewish community and others.”

¹⁰ UNIVERSITY OF PENNSYLVANIA, *Open Expression* (last visited Sept. 14, 2023) <https://osa.universitylife.upenn.edu/oe/>.

¹¹ As an institution that receives federal financial assistance, Penn is required to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which protects individuals from being “excluded from participation in, be[ing] denied the benefits of, or be[ing] subjected to discrimination” on the basis of race, color or national origin. Title VI's implementing regulation at 34 C.F.R. Part 100 prohibits discrimination on the basis of race, color or national origin in education programs and activities that receive federal financial assistance from the U.S. Department of Education. A university recipient of

While a large gathering of Palestinians and others celebrating Palestinian literature, culture and humanity may spark complaints from those who deny Palestinian humanity and support Israel's apartheid policies, the law simply does not allow for differential treatment. We urge you to take seriously the negative impacts of these racist complaints and demands for censorship on Palestinians and their allies in your community, who are routinely targeted for expressing their identities and their political and moral beliefs that Palestinians deserve freedom.


As a university committed to providing a diverse educational environment¹², we expect that the University of Pennsylvania will live up to its ideals of free expression and its obligations under Title VI.

We respectfully request a response by Tuesday, September 19, 2023.

Sincerely,



Dima Khalidi
Director
Palestine Legal



Radhika Sainath
Senior Staff Attorney
Palestine Legal

Cc John L. Jackson, Jr, Phd. D, Provost, Joann Mitchell, Senior Vice President of Institutional Affairs and Chief Diversity Officer.

federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own, or if it permits a hostile environment, i.e., when harassment by a third party or student is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an education opportunity or benefit.” *See Davis ex rel. LaShonda v. Monroe Cty. Bd. Of Educ.*, 526 U.S. 629, 633 (1999). Although *Davis* is a Title IX case, the same legal standards are applied to Title VI enforcement. *See, e.g., Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) (“Congress modeled Title IX after Title VI of the Civil Rights Act of 1964, and passed Title IX with the explicit understanding that it would be interpreted as Title VI was.”)

¹² UNIVERSITY OF PENNSYLVANIA, Diversity and Inclusion at Penn (last visited Sept. 14, 2023) <https://diversity.upenn.edu/diversity-at-penn>.