

FAQs About Trump's Executive Order 'Combating Anti-Semitism'

Does this mean I can't advocate for Palestinian rights or criticize Israel?



No. While the executive order aims to scare people away from activism, your right to advocate for Palestine remains unchanged. Your right to talk about, teach, protest, boycott, otherwise support Palestinian rights or criticize Israel cannot be restrained by this order. All these rights—and more—are still protected by the First Amendment of the U.S. Constitution, which takes precedence over any other law in the U.S.

What does the executive order say?

The order directs federal agencies to consider a specific definition of antisemitism when investigating civil rights complaints. Under the order, all executive departments and agencies—including the Department of Education and Department of Justice—are required to consider the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism when enforcing Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination based on race, color or national origin in federally funded programs.



What does the executive order do?



The order aims to censor advocacy for freedom, justice and equality for Palestinians. The distorted definition of antisemitism cited in the order is designed to encompass nearly all criticism of Israel. This same definition has been used for years to falsely portray support for Palestinian rights as anti-Jewish discrimination.

What should I know about the distorted definition of antisemitism?

The definition used in the executive order is highly contested and its use to punish criticism of Israel violates freedom of speech. Known as the IHRA definition or the State Department definition, many of the examples of antisemitism included in the definition target criticism of Israel. For example, calling Israel “a racist endeavor” is considered anti-Jewish. Efforts to formally adopt the definition have failed twice in Congress, and its use on U.S. college campuses has been rejected even by the definition’s original author.

How does Title VI of the Civil Rights Act of 1964 affect my Palestine organizing?

Title VI is a law that prohibits discrimination in programs that receive federal financial assistance. Individuals have a right to be free from discrimination based on race, color, and national origin in their interactions with institutions that receive federal funding, including virtually all public and private universities. Unfortunately, Title VI is now being used by the Trump administration to silence rather than protect your rights. The order sends a message that the federal government can investigate institutions under the pretext of anti-Jewish discrimination if they allow advocacy around Palestine to occur.

More at: palestinelegal.org/executiveorder

Disclaimer: This FAQ not a substitute for legal advice.

If you have questions about a specific issue that you are facing, please contact us.

Can a student or professor be accused of violating Title VI of the Civil Rights Act?



No. Title VI is a law that governs the actions of an institution receiving federal funding—not the actions of professors or students. If the federal government investigates a Title VI complaint, students, faculty, or staff mentioned in the complaint—as witnesses or otherwise involved in the events complained of—are not parties to the case. The complaint is against the university itself. For more information about Title VI investigations, see the web version of this FAQ.

What should I expect?

Universities and pro-Israel groups might attempt to discourage or block your Palestine advocacy based on the executive order. The order signals to institutions that they could risk investigation, or even the loss of federal funding, if they tolerate criticism of Israel. Universities might infringe on your rights in an attempt to avoid Title VI complaints by pro-Israel groups. This could mean your university may ask more questions about your advocacy, impose bureaucratic hurdles, and even investigate your activism if people complain about it. Despite these threats, your fundamental rights remain unchanged.

Can college educators still talk about Palestine and criticize Israel?

Yes. Your right to discuss Palestine and criticize Israel remains protected under free speech and academic freedom principles. Academic freedom entitles instructors to freedom in selecting lessons, materials and discussion topics within the subject area of individual courses. It also entitles them to freedom to engage in political activism in their personal lives. Campaigns to censor or micromanage academic programs that cover Palestinian perspectives have, however, seen a resurgence under the Trump administration.

Does the order make Jewish people a separate nationality?

No, Jewish people are not a separate nationality under the executive order. Claims of this sort erroneously describe the executive order. The order states that although Title VI does not prohibit discrimination based on religion, individuals who face discrimination based on their race, color, or national origin do not lose Title VI protections simply because they share common religious practices. This is not a new protection for religious groups, but has long been the interpretation of the enforcement agencies.

What can we do to fight the executive order?



March forward: exercising and demanding your free speech rights to the fullest.

Persevere: Do not censor yourself. Although it might take time to legally challenge the executive order and complaints made based on it, your rights remain unchanged.

Educate: Engage your administration and peers about your human rights advocacy, and where raised, emphasize the difference between advocacy for Palestinian freedom and antisemitism, and explain efforts to conflate the two.

Call us: Keep an eye out for false accusations or complaints of antisemitism by your peers, and for differential treatment by any college, university or government agency. Report any threats, complaints, intimidation, or obstacles that you face to Palestine Legal.



More at: palestinelegal.org/executiveorder

Disclaimer: This FAQ not a substitute for legal advice.

If you have questions about a specific issue that you are facing, please contact us.