



via email

December 3, 2015

Gregory L. Fenves
President, University of Texas at Austin
110 Inner Campus Drive, Stop G3400
Austin, TX 78712

Re: Palestine Solidarity Committee at UT-Austin

Dear President Fenves:

I'm writing in reference to University of Texas at Austin (UT-Austin) student Mohammed Nabulsi and members of the Palestine Solidarity Committee (PSC) at UT-Austin. As you are aware, on November 13, Mr. Nabulsi and other PSC members exercised their First Amendment right to protest Israeli military policies by preparing a brief, two-minute statement at the beginning of a UT-Austin event about the Israel Defense Force. As a result of their brief peaceful protest, Mr. Nabulsi and members of PSC have faced backlash by UT-Austin administrators and professors based on their speech, religion, ethnicity, and/or national origin.

We write to put this incident in the context of a documented pattern of suppression to silence Palestinian human rights advocacy; to remind you of your responsibilities under the First Amendment of the United States Constitution and Title VI of the Civil Rights Act of 1964; and to urge you to take immediate steps necessary to ensure that UT-Austin students' First Amendment rights to speak out in favor of Palestinian freedom are upheld, and that they are protected in doing so without fear of repression, intimidation, or physical threat based on religion, ethnicity, or national origin.

PSC is a UT-Austin student organization dedicated to "telling the story of the Palestinian struggle for justice and self-determination on the university campus and in the wider Austin community."¹ Membership in and involvement with PSC undoubtedly serves an important educational purpose.

On November 13, at the beginning of a public event organized by UT-Austin Professor Ami Pedhazur, Mr. Nabulsi and other PSC members made a brief two-minute statement to the audience criticizing the IDF's human rights abuses against Palestinians. PSC members did not plan or intend to disrupt the event. In response to their statement, however, James Hasik, a

¹ A profile of PSC can be found at:
<https://utexas.collegiatelink.net/organization/palestinesolidaritycommittee/about>.

graduate student attending the event, assaulted members of PSC by aggressively touching them, attempting to grab their cell phones, and ripping a Palestinian flag from their hands. Prof. Pedhazur also aggressively confronted the PSC members. Because of Mr. Hasik's and Prof. Pedhazur's belligerent reactions, PSC's speech has been mischaracterized by Prof. Pedhazur and College of Liberal Arts Dean Randy Diehl² as a "disruption."

As the PSC members were voluntarily leaving the event, campus police were notified. The police detained twelve members of PSC for roughly forty-five minutes outside the event and gave one member of PSC – a recent UT-Austin graduate – a trespass warning.

Following the event, Prof. Pedhazur posted a statement on the Institute for Israel Studies at UT-Austin's website³ condemning PSC members' speech; linking PSC's peaceful actions to ISIS; exposing Mr. Nabulsi's personal Facebook page; and dangerously stating that Mr. Nabulsi's actions "raise many red flags" about "how people turn to terrorism."

On November 23, Dean Randy L. Diehl released a statement condemning PSC's speech, characterizing their conduct as a "disruption," and saying that their statement "violates principles of academic freedom and free speech."⁴

Tellingly, the backlash Mr. Nabulsi and members of PSC have faced stemming from the November 13 incident, is not an isolated occurrence. Mr. Nabulsi and members of PSC have reported facing disparate treatment, harassment, and intimidation at UT-Austin based solely on their First Amendment-protected speech and/or their religion, ethnicity, or national origin, including:

- On April 21, 2015, shortly after the UT student government voted on a divestment resolution backed by PSC, the windshield of a PSC member's car was smashed. The car was parked near the student government meeting, and had a "Free Palestine" sticker on its back bumper.⁵ The incident was reported to the police.
- On several occasions, members of PSC have been called into meetings with UT Administrators and/or Campus Police in advance of a PSC event – a requirement that PSC members believe is unique to the group. For example, when PSC organized an event on campus called, "From Ferguson to Gaza: Connecting Struggles" on Sept. 23, 2014, PSC members were required to meet with the police regarding a vigil they planned to hold in advance of the event.
- On several occasions, Mr. Nabulsi and PSC members have been accused of terrorism and/or support for terrorism by members of the campus community. For example, at a

² Statement from Dean Randy L. Diehl Regarding Nov. 13 On-Campus Incident, Nov. 23, 2015, available at: <http://www.utexas.edu/cola/public-affairs/news/10066>.

³ Prof. Pedhazur's statement has since been taken down. Screen shots of the original statement are on file at Palestine Legal.

⁴ Ibid.

⁵ See Dina Samir Shehata, Anti-Muslim Sentiment Alive and Well in Texas, The Austin Chronicle, Oct. 30, 2015, <http://www.austinchronicle.com/news/2015-10-30/anti-muslim-sentiment-alive-and-well-in-texas/>.

PSC public meeting last spring, students opposed to PSC's divestment campaign circulated an image characterizing PSC as "ISIS."⁶

These incidents are troubling on their own, but they are not isolated. They are part of a well-documented effort to suppress Palestine activism on campuses, which is increasingly manifesting itself through personal attacks – often made online – that baselessly invoke terrorism and contribute to the rising Islamophobia that threatens the mental and physical well-being of Muslims and those perceived to be Muslim in the United States.

In addition, students who speak out for Palestinian human rights are increasingly finding themselves targeted and harassed online by websites like Canary Mission, which profiles and maligns pro-Palestine activists with the explicit intent of ruining their career prospects and chilling Palestine human rights speech. Palestine Legal and the Center for Constitutional Rights documented hundreds of other similar incidents of suppression of Palestine human rights advocacy across the country in a report we released in September, "[The Palestine Exception to Free Speech: A Movement Under Attack in the U.S.](#)"⁷ We hope you review it carefully.

At a time when Islamophobic and anti-Arab sentiment is on rise in the United States, it is especially crucial for UT to take measures to protect the physical and emotional well-being of its Arab and Muslim students, as well as the First Amendment rights of those who speak out in support of Palestinian freedom. Unfortunately, Mr. Nabulsi and members of PSC have expressed discomfort with reporting incidents of harassment and intimidation to the UT Administration as a result of what they perceive to be the Administration's lack of support and institutional bias against them.

We acknowledge these situations sometimes present difficult questions given the deeply-held beliefs and passions of students, faculty, and community members. It is precisely in these circumstances, however, that university administrators must steward an open campus forum and be cognizant of "the dependence of a free society on free universities," as the U.S. Supreme Court has said.⁸ Students and faculty have the right to voice objections to Israeli policies, just as they have the right to voice support. When core beliefs are contested and debated, university leaders must guarantee the conditions necessary for free debate on campus, and must assure students and faculty alike that expression on matters of public concern is not only tolerated, but invited. Debate, disagreement, and free expression, including protests, demonstrations, and other expressive activities, embody the highest values of a free university and a democratic society.

We hope this letter serves as a reminder of the University's obligations under the First Amendment and Title VI of the Civil Rights Act of 1964. We expect that you will take appropriate steps to ensure that Palestinian and Muslim students and Palestine solidarity activists on campus enjoy the right to speak out without fear of harassment and intimidation based on their religion, race, or national origin. Given the clear pattern of harassment specifically targeting members of PSC at UT-Austin, as documented above, the University should affirm the rights of students to speak out in favor of Palestinian human rights, as demanded by PSC.

⁶ Ibid.

⁷ The report is available at www.palestinelegal.org/the-palestine-exception.

⁸ *Sweezy v. New Hampshire*, 354 U.S. 234, 262 (1957).

I look forward to hearing from you regarding the University's response. I can be reached at rsaksena@palestinelegal.org or 312-399-6624.

Sincerely,

Rahul Saksena
Staff Attorney, Palestine Legal

Cc Daniel Sharphorn, Vice Chancellor and General Counsel
Brian McGiverin, Austin Lawyers Guild