



[Actions Taken Against Pro-Palestinian Protestors are Unconstitutional](#)

By Colin Bailey

Thousands of protestors have taken to the streets and social media across the United States in support of either Israelis or Palestinians since the aftermath of October 7th. Proponents of either view have dealt with significantly different responses from many politicians, editorial gatekeepers, educational facilities, and business leaders. Pro-Israeli activities have largely taken place unimpeded, and even been endorsed, while supporting Palestinians has been repressed or demonized as either antisemitic or supporting terrorism.

The successful suppression of the pro-Palestinian movement has been widespread with several major conferences canceled for spurious reasons such as unsubstantiated claims that protests are a front for Hamas (the political arm of the Islamic Resistance Movement which the United States classified as a terrorist organization in 1995). College campuses have become the epicenter of pro-Palestinian activism; and hundreds of people across the country have lost their jobs for expressing support for Palestine on social media platforms and elsewhere. For example, Ryna Workman, a New York University Law School student and student bar association president had her job offer from an international law firm rescinded when she spoke publicly about Palestinian human rights. Organized efforts have been made by groups like Canary Mission and Facts and Logic about the Middle East (FLAME) to condemn universities for allowing pro-Palestinian events. Pro-Israeli groups have virulently labeled student protestors terrorist sympathizers and antisemites.

On October 8th, Harvard's Palestinian Solidarity Committee released a statement cosigned by 34 students in which they "hold the Israeli regime entirely responsible for all unfolding violence." Harvard University was met with an immediate backlash by lobby groups, US officials and media outlets. Two days following the statement's release, a letter signed by over 350 Harvard faculty members denouncing the activists was published, asserting that the student stance amounted to "nothing less than condoning the mass murder" and that the "Israeli security forces were engaging in self-defense against this attack while dealing with numerous hostage situations and a barrage of thousands of rockets hidden deliberately in dense urban settings." Nevertheless, despite the acquiescence, Harvard and other universities have seen donors cut funding for allowing pro-Palestinian protests on campus grounds. This backlash has taken a toll, silencing thousands of would-be demonstrators over fears of violent retaliation or loss of income, whether individual or institutional.

America's politicians have also weighed in on the debate, decrying the freedom given to those who voice their support for Palestinians. Texas Senator Ted Cruz advocated the deportation of non-US citizens who attend pro-Palestinian protests. Presidential candidate and Florida governor Ron DeSantis has also made repeated calls to deport international students sympathizing with Palestinian dissent. Other GOP presidential candidates as well as South Carolina representative Tim Scott joined his deportation calls. DeSantis also instructed Florida's state universities to dismantle chapters of Students for Justice in Palestine (SJP) citing the group's alleged "support for terrorist groups." Unsubstantiated accusations conflating protest with terrorism raise concerns about the integrity of official institutions; and circumventing due process to silence voices is also an alarming violation of the of the

First Amendment. The PSJ, a student group with ties to numerous colleges across the country, has denounced the move saying DeSantis “continues to disrespect American values, such as freedom of speech.”

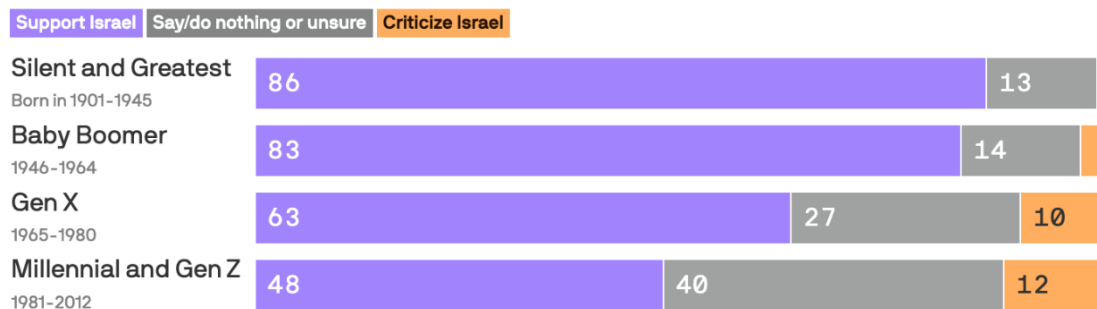
The objections of student and activist groups have, however, largely been disregarded. Palestinian groups have reported almost 200 examples of the “suppression of Palestinian rights advocacy.” Over 300 pro-Palestinian activists chanting phrases such as “ceasefire now” and “free Palestine” were arrested on October 18th after they held demonstrations in Congress’ Cannon House Office Building. Suppressive behavior is nothing new during times of conflict as seen throughout U.S. history; however, the intensity of rights violations has rarely been as blatantly dismissive of American and international law as during the Gaza anti-war protests.

Freedom of speech is guaranteed in both the United States’ Bill of Rights and Article 19 of the United Nations’ Universal Declaration of Human Rights. The First Amendment states that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Article 19 further affirms: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Yet officials and administrators have all but suspended the validity of these rights while dealing with Palestinian advocacy.

Although “the establishment” appears to have no qualms about selectively allowing dissent, Generation Z (children born after 1996) have not only refused the premise, but many also reject the narrative that dehumanizes the civilian population of Gaza. Their activism during the ongoing conflict demonstrates a deep disapproval of Israeli tactics. In a recent Axios poll, only 28% of Gen Z Americans supported the Israeli state compared to 56% of Baby Boomers in the United States. In fact, several walkouts took place across the country in schools and over 100 campuses in support of the Palestinian people during October.

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Survey of 1,313 U.S. adults taken Oct. 11, 2023



Nevertheless, university and high school students remain afraid to express their views while on campus grounds. For example, NBC news interviewed a Columbia student who claims to have been harassed online and in person. He shared his views on condition of anonymity, stating that the “atmosphere on campus” was not conducive to a robust geopolitical debate. The student went further to clarify that “If you cannot speak freely or engage in intellectual curiosity on a university campus, then the university has failed its students.”

Organizations advocating for Palestinian rights have had greater difficulty operating beyond campus grounds. It appears city officials may have standing instructions to deter demonstrations as indicated by their actions during two large protests in the nation’s capital. One occurred in Lafayette Square in front of the White House where

police arrested 49 people; and the other happened on Capitol Hill and 335 people were detained. While dozens of pro-Palestinian protestors have been jailed, the only pro-Israelis that have been incarcerated are New York lawmaker Inna Vernikov and Pennsylvanian Richard Kevin, both of whom brandished guns at Palestinian rallies.

Even politicians have been harassed with Ilhan Omar smeared as antisemitic and “booted off [the] US foreign affairs panel” according to the Jewish Chronicle. And while it is common to see Israeli flags in official spaces, Representative Rashida Tlaib sparked controversy by placing a Palestinian flag outside her office in response to an Israeli ban of the national symbol, sparking calls to ban all foreign flags from Congress. However, no such calls were made to ban foreign military uniforms in Congress, like the Israeli army garb Rep. Brian Mast wore to work.

Authorities are obliged to uphold the spirit of the law and ensure violations, perceived or real, are put through due process. They also do have the right to limit the “time, place and manner” of protests, according to the American Civil Liberties Union. But as the ACLU has also noted “it’s easy for police to abuse their discretion and exercise their arrest power against those with whom they disagree.” The current spate of harassment is creating a chilling effect on freedom of speech and expression; and, whether this is calculated or unintentional, it is an alarming portent of how American officials may start dealing with any group that doesn’t toe the line of those in positions of authority or influence. It is imperative that measures be taken to ensure that the right to express one’s views nonviolently and freely, no matter how distasteful to some, be upheld. All protestors must be protected else partisan actors may undermine the very freedoms the Founding Fathers enshrined in the Constitution.