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President Donald J. Trump
The White House
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Washington, D.C. 20500

Secretary Michael R. Pompeo
U.S. Department of State
2201 C St. NW
Washington, D.C. 20520
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Chairman Lindsey Graham (R-SC)
Ranking Member Senator Dianne Feinstein (D-CA)
Senator Chuck Grassley (R-IA)
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510
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Chairman Eliot Engel (D-NY)
Ranking Member Michael McCaul (R-TX)
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20510
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Dear President Trump, Secretary Pompeo, and Members of Congress,

We write on behalf of the Committee on Academic Freedom (CAF) of the Middle East Studies Association of North America (MESA) to express our opposition to the passage of the Anti-Terrorism Clarification Act (ATCA) on 3 October 2018, insofar as it results in the denial of the right to education to dozens of Palestinian students from the West Bank and Gaza Strip. The terms of the ATCA have brought about the cancellation of US financial support for these students and, as a result, impede their ability to obtain a university education.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. It is the preeminent organization in the field. The Association publishes the *International Journal of Middle East Studies* and has nearly 2500 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

The Middle East Partnership Initiative's (MEPI) "Tomorrow's Leaders" program was established by the US Department of State in 2007. According to the Department's website, the program "supports academically qualified, financially disadvantaged high school graduates in the Middle East and North Africa" by providing scholarships to



accredited US institutions in the region. The program provides money for recipients' tuition and fees, housing, insurance, a monthly allowance, and a study abroad experience in the US. Initially, MEPI served citizens of Syria, Iraq, Jordan, Egypt, Yemen, Libya, and Algeria. Since 2014, the program has been accepting Palestinians from the West Bank and the Gaza Strip, as well. The first cohort of Palestinian students began university in 2015 and are scheduled to graduate in 2019. Subsequent cohorts began the program in 2016, 2017, and 2018. At the heart of the program's mission is the provision of mentorship and academic support to people without means.

The withdrawal of funding for the Palestinian students supported through "Tomorrow's Leaders" is linked to the stipulations of the ATCA and the Palestinian Authority's response to the act. The ATCA changes how the U.S. Government relates to countries and entities that receive US aid: it allows US citizens to bring lawsuits against governments or other bodies that receive this aid when their citizens or subjects are accused of committing an act of terrorism against a US national. The ATCA effectively establishes US judicial sovereignty over the Palestinian Authority (PA), which was not the case prior to its passage. Furthermore, the law is retroactive, meaning that US citizens can now bring lawsuits for acts committed in the distant past. In addition, the law does not clearly differentiate between a criminal act and an act of terrorism.

As a result of the vagueness of the ATCA and its expansive terms of liability, the Palestine Liberation Organization (PLO) and the PA have decided against accepting any and all US aid. The potential costs of liabilities would far exceed the amount of aid that the PA receives. Bills like the ATCA could allow lawfare organizations, such as the Israel-based Shurat HaDin, to sue the PA out of existence. Indeed, ATCA appears to have been designed to target the PLO, PA, and Palestinians generally, according to the Chairman of the Senate Judiciary Committee, Charles Grassley (R-Iowa). In addition to its eighteen co-sponsors in the Senate and the House, the Judiciary Committee, as well as other members of Congress supported its passage without any objections. Furthermore, a host of organizations hostile to Palestinian rights advocated in favor of the ATCA including AIPAC, the Anti-Defamation League, American Jewish Committee, Christians United for Israel, the Endowment for Middle East Truth, the Jewish Institute for National Security of America, the National Council of Young Israel, the Union of Orthodox Jewish Congregations of America, the Rabbinical Council of America, and the Zionist Organization of America.

Although the President signed the ATCA into law on 3 October 2018, its implementation was delayed because of the government shutdown. When the shutdown ended, the Department of State was legally compelled to withdraw scholarships from Palestinian students who had secured competitive awards through the Tomorrow's Leaders program to study at the only two institutions of higher education in the Middle East that host the program. The effect of the withdrawal of US aid has been felt most acutely on these campuses: the American University of Beirut (AUB) and the Lebanese American University (LAU), where nearly thirty undergraduate Palestinian students have lost their scholarships. AUB and LAU are trying to secure funds to support these students and allow them to finish their degrees. However, AUB has publicly stated that to do so, they need to raise approximately 1.2 million US dollars for their institution alone.

The effects of the Israeli occupation, in particular the economic hardship and the inability to move freely, make it difficult – at times, impossible - for Palestinian youth in the West Bank and the Gaza Strip to secure access to higher education either at home or abroad.



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The withdrawal of US funding only magnifies these difficulties, leaving these young people bereft of academic opportunity. Couched in the language of security, the terms of the ATCA result in the targeting of one of the most discriminated against populations in the world. While the US Department of State once facilitated access to education and opportunity, it will now deprive young Palestinians of their right to education, with devastating life consequences. This withdrawal of aid represents an affront to academic freedom, knowledge production, and social justice.

We call on members of Congress and President Trump to cancel the ATCA. The terms of the law produce discriminatory treatment of the vulnerable, which contravenes American values. As a first step, we request an immediate exemption for Palestinian students so that they may be able to participate in the Tomorrow's Leaders program and obtain an education that would be impossible without the generous financial support it provides.

Sincerely,

Judith E. Tucker
MESA President
Professor, Georgetown University

Laurie Brand
Chair, Committee on Academic Freedom
Professor, University of Southern California