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12 December 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to express our grave concern about the executive order titled “Combating Anti-Semitism” that you signed yesterday. We are of course deeply distressed by the rising tide of racism, xenophobia and anti-Semitism in the United States, and we firmly believe that combatting anti-Semitism and all other forms of racism, bigotry and discrimination is an essential duty for colleges and universities. However, we believe that key elements of this executive order threaten the right to free speech guaranteed by the First Amendment and undermine the principles of academic freedom.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has over 2,700 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 North America and elsewhere.

Section 1 of the executive order correctly notes that Title VI of the Civil Rights Act of 1964 “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal assistance.” However, presumably to get around the fact that Title VI does not specifically prohibit discrimination based on religious identity, this section goes on to, in effect, construe all Jews as sharing a common national origin and thereby covered by Title VI. As you surely know, Jews in the United States and elsewhere identify themselves in a wide variety of ways, so the implication that all Jews share a common national origin is not a statement of fact but an ideological assertion. Like all other citizens and residents of the United States, Jews are entitled to protection against discrimination, but we deem this an ill-informed and potentially dangerous approach to securing such protection.

Even more egregiously, Section 2 of the executive order requires all executive branch departments and agencies charged with enforcing Title VI to “consider” both the definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance (IHRA) in 2016 and the “Contemporary Examples of Anti-Semitism” that accompany the IHRA’s definition. Many of those “Contemporary Examples” conflate criticism of Israeli actions and policies, and of Zionism as a political ideology, with anti-Semitism. The deployment of such a broad, vague and flawed definition of anti-Semitism by government agencies threatens the constitutionally protected right to free speech and may have a chilling effect on teaching about, and public discussion of, the Israeli-Palestinian conflict on college and university campuses, thereby undermining the academic freedom so vital to



the mission of our institutions of higher education. It could also, we note, have the perverse effect of defining as anti-Semitism criticisms of Israel or of Zionism advanced by Israeli or American Jewish scholars, or by some of the Jewish students this executive order is ostensibly intended to protect.

We cannot fail to notice that this executive order was issued at a time when the Department of Education is already engaged in what must be understood as politically motivated and spurious investigations of alleged anti-Semitism on college campuses, apparently intended to silence criticism by faculty, students and staff of certain policies of the government of Israel. It is not difficult to imagine how this executive order could induce colleges and universities seeking to avoid investigation and possible sanction by the Department of Education to adopt measures that limit or suppress the unfettered expression of the full range of views on the Israeli-Palestinian conflict, and advocacy for particular perspectives on it. Indeed, our institutions of higher education are already facing what appears to be an orchestrated campaign by groups based outside of academia that seek to delegitimize and stifle scholarship and teaching with which they disagree – a campaign which this executive order seems cynically designed to encourage.

We believe that all political speech, including criticism of any government or ideology and advocacy for any group's rights, is, and must remain, constitutionally protected in the United States. At our institutions of higher education this constitutional protection must be accompanied by rigorous adherence to the standards and traditions of academic freedom, including freedom from the threat of politically motivated harassment by government agencies. We therefore call on you to revoke this executive order immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dina Rizk Khoury', with a long, sweeping underline.

Dina Rizk Khoury
MESA President
Professor, George Washington University

A handwritten signature in black ink, appearing to read 'Laurie Brand', with a stylized, cursive script.

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