



Council on American-Islamic Relations  
453 New Jersey Avenue, S.E. Washington, DC 20003  
Tel 202.488.8787 Fax 202.488.0833 [www.cair.com](http://www.cair.com)

## Congress Protect Free Speech on Campus: Student Opposition to Israel's Human Rights Abuses is Not Anti-Semitic

The Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil liberties and advocacy organization, is **calling on Congress to oppose the falsely titled "Anti-Semitism Awareness Act of 2018," [S. 2940/H.R. 5924] which incorrectly conflates legitimate First Amendment protected discussion on American campuses about Israel's human rights abuses against Palestinians with the vile bigotry of anti-Semitism.**

**Background about the Anti-Semitism Awareness Act of 2018:** In June, CAIR joined the American Civil Liberties Union (ACLU), Arab American Institute (AAI) and other civil liberties groups in raising serious free speech concerns about the Anti-Semitism Awareness Act of 2018.

CAIR believes that the Anti-Semitism Awareness Act of 2018 would only create confusion between what are real and punishable anti-Semitic hate crimes and the protected free speech rights of American students and faculty members. It is not anti-Semitic to criticize the Apartheid-like policies of a foreign government or for Americans to engage in the international Boycott, Divestment, and Sanctions (BDS) campaign.

The act would seek to expand the "definition of anti-Semitism for the enforcement of Federal anti-discrimination laws" on campuses nationwide, possibly resulting in the Department of Education's Office of Civil Rights reviewing or investigating legitimate criticism of Israel by American students as potentially being anti-Semitic acts.

If signed into law, President Trump's assistant secretary for civil rights in the Education Department Kenneth L. Marcus, would likely use the act to attack American student and faculty groups that advocate on campuses nationwide against Israel's human rights abuses and in favor of the rights of Palestinian Christians and Muslims. According to Jewish Voice for Peace, if this act is adopted, Marcus "will be able to apply a widely discredited definition of anti-Semitism with the power of the federal government behind him."

The act politicizes how anti-Semitism would be defined on U.S. campuses by codifying into law the U.S. State Department Special Envoy to Monitor and Combat Anti-Semitism's 2010 working definition of anti-Semitism – something that was never intended to be applied to American campuses. The Special Envoy's office advances U.S. foreign policy on anti-Semitism and collects data on anti-Semitism for reports.

Last November, the co-author of the fact sheet, Kenneth S. Stern, testified before congress that this, "working definition," was, "being abused in Title VI cases, because it was being employed in an attempt to restrict academic freedom and punish political speech."

Title VI of the Civil Rights Act of 1964 prohibits discrimination against Jews, Muslims, Sikhs, and members of other religious groups based on their ethnicity or nationality – however, it does not restrict the free speech rights of students and faculty on campus to decry and raise awareness about human rights abuses committed by any nation, including Israel.