

# THE CHRONICLE OF HIGHER EDUCATION

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CAMPUS SPEECH

## This Bill Could Silence Pro-Palestine Student Groups. It's Not the Only One.

By *Alecia Taylor*

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JEREMY HOGAN, SOPA IMAGES, SIPA USA, AP

### **Protesters at Indiana U. rally against the Israeli ground operation in the Gaza Strip.**

A bill progressing quickly through the Indiana legislature could censor pro-Palestinian student organizations, mirroring a handful of bills across the country that purportedly aim to ban public colleges from engaging with terrorist groups.

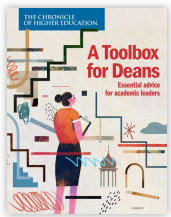
[House Bill 1179](#) would prohibit public colleges “from using state funds or resources” to “support the activities of a foreign terrorist organization or a state sponsor of terror.” That category, as defined by the U.S. government, includes Hamas, the Islamist militant group that attacked Israel on October 7, killing some 1,200 people. The bill would also forbid hiring or engaging with someone “associated with a foreign terrorist organization.”

Critics have alleged for years that there are links between Hamas and Students for Justice in Palestine, or SJP, a national entity with chapters on many American

campuses. SJP members have denied any support for terrorism. Most recently, the national organization came under sharp criticism for appearing to endorse the Hamas attacks, and SJP-led protests on many campuses have featured rhetoric that pro-Israel advocates have condemned as antisemitic.

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Free-speech experts say the Indiana bill's ambiguous language could suppress the speech of students, as well as faculty members, who speak out on international conflicts like the Israel-Hamas war. Some pro-Palestine advocates say it reflects [a larger trend of attacks](#) on viewpoints like their own across higher ed.

*The Chronicle* called and emailed the lead author of the Indiana bill, Rep. Joanna King, for clarification on the measure's goals, but she did not respond. The House of Representatives passed the bill 94 to 0 in January; a Senate committee approved it last week.

Indiana's proposal stands out for its quick, quiet bipartisan advance, but a handful of other Republican-led state legislatures are considering similar bills that target support for terrorism on campuses. Iowa [House Bill 2077](#) would require public colleges to deny recognition to student groups that endorse or promote terrorism; the legislation has not been voted on.

Florida is considering two identical measures, [Senate Bill 470](#) and [House Bill 465](#), that would punish students for "promoting" federally organized terrorist groups by denying them access to in-state tuition rates and state financial aid. The legislation is

pending in a House committee. Students across the state have protested the legislation, arguing it would violate their First Amendment rights.

Arizona [Senate Bill 2178](#) would allow students to withhold their fees from campus groups that the sponsoring lawmaker characterized as antisemitic, according to [the Arizona Capitol Times](#). The Arizona House passed the bill in February, with four Democrats joining all 31 Republicans in favor; a Senate committee was expected to consider the bill on Wednesday.

Bryce Greene, a graduate student at Indiana University in Bloomington and founder of its Palestine Solidarity Committee, said the conditions of the Indiana bill put activists in a bind.

“We know that people will try to use anything they can to sling mud at us, to muddy the waters about what’s actually happening,” Greene said. “If we donate to a charity group and then the charity group gets on the wrong side of the governor or anyone else, then that could reflect on us.”

## The Gray Areas

Free-speech experts who reviewed the Indiana legislation raised the question of what could be considered support for a terrorist group.

When Ron DeSantis, Florida’s Republican governor, directed public colleges to shut down their SJP chapters last fall, he claimed that the groups had provided “material support” for terrorism in violation of state law.

As evidence, DeSantis and Ray Rodrigues, chancellor of the State University System of Florida, pointed to a [toolkit](#) posted on social media by the national SJP [that contained](#) what critics described as antisemitic language and endorsements of Hamas. The American Civil Liberties Union, which is representing the SJP chapters,

[said there was no evidence](#) that the groups had supported terrorism. (Currently, the chapters at the University of Florida and Florida State University are still active.)

Meanwhile, Indiana's legislation doesn't use the word "material." As a result, Eugene Volokh, a professor of law at the University of California at Los Angeles, said support for terrorist groups could be interpreted in two ways: financial support or public expression of support.

Financially aiding terrorist organizations is already against federal law, making that part of the bill redundant, Volokh said. He said as long as student groups are not fund raising or providing military aid to Hamas, SJP chapters should be fine — if the word "support" is interpreted as financial.

But Greene, the Indiana graduate student, said that imperils student organizations that are fund raising to support civilians in Palestine.

"This can easily be used to target Palestine solidarity groups," he said. "If they donate to anyone on the ground in Gaza, humanitarian organizations ... it's pretty clear that this is designed to put pressure on people who support those things to prevent them from engaging in organizing."

Indiana University's Palestine Solidarity Committee has only raised money for individuals, Greene said. Other pro-Palestine student groups around the country have raised funds to help organizations such as the Palestine Red Crescent Society, which does work similar to the American Red Cross. While Indiana University officials have not objected to his group's fund-raising efforts, Greene said, he's afraid that could change under the proposed legislation.

Any groups raising money on behalf of others must be careful about whom they're supporting, said Kenneth L. Marcus, chairman of the Louis D. Brandeis Center for Human Rights Under Law. "It is certainly important for anyone that is fund raising for

international activities to do due diligence to make sure they aren't being taken advantage of," Marcus said.

The Indiana bill echoes concerns raised previously by government officials about public colleges' support for federally designated terrorist organizations, Marcus added.

In addition to ambiguous language about what constitutes support, some speech experts are concerned about what would "associate" someone with a terrorist organization.

Jeremy Young of the free-speech advocacy group PEN America said the vagueness possibly stems from an "unnecessary" tension between protecting academic freedom and concerns about antisemitism on college campuses.

"If you're being a pro-Palestine activist, you are probably doing something that falls under those categories," he said. "But that thing you're doing is probably protected speech and yet this law is, probably, unconstitutionally saying that you're going to be penalized for doing it."

## Indiana's Antisemitic Claims

The Indiana bill is one of several ways the state's politicians are weighing in on the debate over speech in higher education.

In December, Indiana University came under fire after U.S. Rep. Jim Banks, a Republican and an alumnus, threatened to withhold federal funding over claims of antisemitism on campus. In a [letter](#) addressed to President Pamela Whitten, Banks referenced an incident in which a protest led by two Jewish student organizations was interrupted by a counterprotest from the Palestinian Solidarity Committee, as reported by the *Indiana Daily Student*, the student newspaper.

Another legislative proposal, [House Bill 1002](#), would require the state to adopt the International Holocaust Remembrance Alliance's [definition of antisemitism](#). The definition does not explicitly say that support for Palestine is antisemitic. But the bill [initially referenced](#) the alliance's list of examples that would meet the definition — such as “justifying the killing or harming of Jews in the name of a radical ideology” and “holding Jews collectively responsible for actions of the state of Israel.”

After objections from students and organizations, such as the Indiana chapter of Jewish Voices for Peace, lawmakers removed references to Israel from the bill last week.

Daniel A. Segal, a historian and member of Jewish Voices for Peace, an anti-Zionist organization, testified against that bill before it was amended. Now Segal is concerned about the use of the word “terrorist” in House Bill 1179 — especially if it's used to insinuate that an individual or a student group like Students for Justice in Palestine is associated with terrorism because they criticize violence against civilians.

“I can say as a Jew, as a proud Jew, I never experienced any antisemitism at any SJP event in over two decades,” said Segal, who used to advise the chapter at Pitzer College, in California, when he was a professor there. “They are, in a principled way, concerned with freedom and equality for Palestinians, as I am. Because of that, they are critics of the Israeli state, they are critics of Zionism, but there's nothing antisemitic or anti-Jewish about SJP.”

Segal criticized the U.S. government's past use of the “terrorist” designation, pointing to apartheid-era South Africa as an example: In the 1980s, the Reagan administration labeled Nelson Mandela's African National Congress a terrorist group and placed Mandela on its terrorism watch list, where he remained until 2008.

There's more to House Bill 1179 than bans on terrorist ties. It also bars campus employees from making public statements in an "official capacity" unless it's in relation to "the business or operation" of the university or has been approved by the university's Board of Trustees.

Steve Sanders, a law professor at IU, said that faculty members are often asked to testify at trials, speak to the media, or write opinion essays based on their expertise. Sanders said it would be inappropriate and a violation of academic freedom to require faculty to seek approval for such activities.

He worries the bill could have a chilling effect on faculty members, who will be [unsure of when and how](#) they're allowed to speak.

"This strikes me as vague and badly written," he said, "and it's impossible to know just from reading it what problem it's attempting to address."

*We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.*

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