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Academic Boycott of Israel: The American Studies Association Endorsement and Backlash

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Special Document File

ACADEMIC BOYCOTT OF ISRAEL: THE AMERICAN STUDIES ASSOCIATION ENDORSEMENT AND BACKLASH



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In 2005, one year after the International Court of Justice issued an advisory opinion declaring Israel's wall in the West Bank illegal under international humanitarian law, a large segment of Palestinian civil society issued a call for an international boycott, divestment, and sanctions (BDS) campaign against Israel "until Palestinian rights are recognized in full compliance with international law." Over one hundred seventy Palestinian civil society organizations, trade unions, rights movements, and political parties both in the diaspora and within the borders of historic Palestine endorsed the call. The boycott of Israeli cultural and academic institutions, which are seen as contributing "to maintaining, defending, or whitewashing the oppression of Palestinians," is one aspect of the larger BDS movement that has garnered much attention, becoming the object of heated controversy in the United States. BDS supporters regard the ethical stance of the academic boycott as an important part of the larger movement as well as a symbolic advance in the sphere of public discourse; opponents consider the boycott an attack on the legitimacy of the Israeli state and a threat to academic freedom and cultural dialogue.

This quarter, the debate intensified when the American Studies Association (ASA) voted to "endorse and honor" the BDS call from Palestinian civil society. The ASA was not the first U.S. academic association to endorse BDS (the Association for Asian American Studies unanimously approved a boycott of Israeli universities in April 2013), but it was by far the largest, provoking

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unprecedented backlash. While the ASA's national council unanimously voted in favor, they put the boycott resolution to an organization-wide vote. Of the 1,252 members who voted—the largest turnout in the ASA's history according to the organization's press release—66.05 percent endorsed the resolution, 30.5 percent voted against, and 3.43 percent abstained.

The first document in this file, Noura Erakat's article on the ASA debate, which appeared on Jadaliyya two days before the national council's vote and announcement, helps to contextualize the boycott conversation within the academy. It provides an overview of many of the discussions that were held at the ASA conference's open forum as well as those about BDS generally in U.S. academia. In addition to sketching a historical trajectory of the movement's advances, Erakat asserted that if it endorsed the boycott, the ASA would "be leading the movement . . . by creating much-needed momentum." Indeed, when the national council announced its decision and the member-wide vote two days later, the boycott debate took center stage in mainstream U.S. media, academic, and policy circles.

Within a few weeks of the ASA endorsement, legislators of the New York, Maryland, and Illinois state assemblies, as well as the U.S. House of Representatives introduced resolutions prohibiting state funding to institutions participating in academic boycott or funding faculty membership in organizations endorsing the boycott. This legislative approach provoked mixed reactions—public and institutional—but state and national representatives proceeded with the measures anyhow.

In addition to the legislative backlash, the ASA action provoked censure from more than two hundred fifty universities, with over one hundred college presidents denouncing the ASA endorsement. According to Amcha, a pro-Israel advocacy group dedicated to monitoring U.S. university campuses for "anti-Semitism," six universities terminated their ASA membership and over a dozen academic organizations condemned the ASA boycott, including the American Association of University Professors and the American Federation of Teachers.

The ASA reported that association members received hate or threatening mail following the vote and have been encouraged to report incidents to the organization's Caucus on Academic and Community Activism; the ASA insists on the legitimacy and legality of its chosen means to challenge Israeli human rights violations. Despite all the pushback, the ASA has received massive support from academics and international figures such as South Africa's Archbishop Desmond Tutu, and, at the time of this journal's publication, the association reported that it had gained seven hundred new members since the boycott endorsement.

The debate shows no signs of subsiding. In March 2014, the Los Angeles Review of Books published eight essays on academic activism and the ethics of boycott, with specific reference to BDS. One of the only points of agreement between authors from opposite sides of the debate continues to be the BDS movement's centrality to conversations on Palestine and Israel.

The ASA Boycott

A. NOURA ERAKAT, "TOWARD AN ETHIC OF LEGITIMATE DISSENT: ACADEMIC BOYCOTT AT THE AMERICAN STUDIES ASSOCIATION," *JADALIYYA*, 2 DECEMBER 2013

At its 2013 annual conference, the American Studies Association (ASA) considered a resolution to endorse the academic boycott of Israel. Several professors proposed the resolution to the ASA's

Academic and Community Activism Caucus after participating in a 2012 U.S. Academic and Cultural Boycott of Israel (USACBI) delegation to Palestine and Israel. If passed, the ASA will join a steadily growing movement among members of American academic associations to support Palestinian calls to implement the 2005 call for Boycott, Divestment, and Sanctions (BDS). Even if it does not pass this year, an affirmative vote appears inevitable based on the overwhelming support for the resolution among ASA's membership. Time may be necessary to overcome procedural hurdles but will not be enough to sway the tide of support against academic boycott.

... Since then [2001], student activists at Berkeley, University of California-San Diego, University of California-Irvine, Hampshire College, Oberlin College, University of Massachusetts-Boston, University of Michigan-Dearborn, and Wayne State University have passed student government resolutions to divest from Israel.

Earlier this year, the Association of Asian American Studies became the first academic association in the United States to endorse academic boycott. Notably, while the AAAS led the charge domestically, it followed the legacy of similar efforts internationally, such as the University of Johannesburg's severing of its partnership with Ben Gurion University in 2011. This is to say nothing of the mounting BDS efforts beyond academia. These include successful consumer boycotts against Veolia, Soda Stream, and Ahava Cosmetics; divestment efforts among faith-based institutions like the Methodists or the Presbyterian Church USA; and the cultural boycott endorsed by Alice Walker and Roger Waters among others.

Despite vitriolic attacks by supporters of the Israeli government, material professional consequences for BDS activists and supporters, and some significant setbacks, the movement continues to advance. The point that BDS opponents seem to miss or choose to ignore is that once space becomes available to speak against the orthodoxy of U.S. support for Israel, there is a groundswell of support for Palestinian liberation. This support squarely fits within a progressive discourse of liberation politics in the United States, including a critique of U.S. imperialism abroad and settler colonialism at home. The exceptional nature of Palestine within this discourse is the taboo that shrouds it and the harsh consequences meted against individuals and institutions that dare to speak out.

Daring to Speak: Beyond Intimidation

The staunchest opponents have used silencing tactics rather than debate to challenge BDS efforts. These tactics are often heavy-handed and include threats of legal action, cessation of donor funding, and even the intervention of the political establishment. None of these tactics demonstrate or represent popular opposition to BDS.

In January 2013, Harvard Professor Alan Dershowitz spearheaded a campaign to force Brooklyn College to cancel a talk about BDS. Then, BDS opponents rallied several New York politicians to openly threaten rescinding funding for the public school if it proceeded with the lecture. The threats backfired as faculty members, Brooklyn College's president, as well as Mayor Michael Bloomberg defended the sanctity of academic freedom. In response to their divestment efforts, Berkeley students endured and withstood a Department of Justice Title VI investigation alleging that they created a hostile climate on campus for Jewish students. An Olympia, Washington, co-op successfully defended itself against a lawsuit that sought to block enforcement of a boycott of Israeli goods and to collect monetary damages from the co-op board for breaching its fiduciary duties.

The opposition to the ASA resolution has been no different. Dershowitz penned an open letter threatening ASA members, “For those of you for whom shame is not enough, please understand that a vote for a boycott will expose you and your association both for legal and academic consequences.”

This threat was not lost on the ASA’s membership that gathered on 23 November 2013 to discuss the resolution at an open forum. Of the forty-four speakers randomly selected to speak for two minutes each, thirty-seven began their comments by affirming their support for the resolution. Several of them recounted how they endured violations of their own academic freedom to critique Israel. One speaker, a former student of the late Professor Edward W. Said, recalled how his office was firebombed in an effort to intimidate and silence him. Another recalled the politicized tenure battles waged against Professors Joseph Massad, Nadia Abu al-Haj, and Norman Finkelstein, who contravened the unspoken truism among scholars that you do not speak about Palestine until you have secured the safeguards of tenure. Every academic and student who spoke, knew that by supporting the resolution for academic boycott of Israel, they were placing themselves in the line of fire. This knowledge among ASA’s membership, coupled with the fact that an overwhelming majority among it was ready to speak anyway, contributed to a sense of victory for the boycott effort regardless of the official vote by the Executive Committee. According to Professor Nadine Naber, associate professor of Gender and Women’s Studies and Asian American Studies at the University of Illinois at Chicago, “Because the open discussion about Palestinian human rights that happened [at the ASA meeting] rarely happens in the U.S., people called the meeting historic . . . This is just one way the resolution creates new openings for academic freedom and the perspectives that dominant U.S. and Israeli discourses systematically ignore, crush, and silence.”

Significantly, no one took to the microphone to defend Israel’s practices (although one speaker did explain how he has “a Palestinian friend” who thinks the biggest problem facing Palestinians is Palestinian corruption and violence). Opponents of the boycott resolution argued that the resolution should go to a membership-wide referendum (the petition in support of the resolution garnered 1,008 signatures and the one against approximately four hundred). They argued that they were blindsided by the proposal (it was proposed and made public a year ago). They also argued that Israel is not unique for its violations (i.e., China and the U.S. have an equal, if not worse, track record). All seven naysayers objected to the resolution on procedural grounds rather than challenging the substance of Israel’s violations.

...

Academic Freedom: In Defense, or in Spite, of Principle?

Academic boycott is at the heart of this shift because it scrutinizes the role and agency of the U.S. academy. It is also among the most controversial forms of boycott because it raises concerns about academic freedom. Notwithstanding repeated emphasis that the boycott targets Israeli institutions and not individual Israeli scholars, these concerns persisted throughout the ASA’s deliberations. In a blog post published days before the start of the ASA conference, Claire Potter, professor of History at the New School for Public Engagement, wrote, “I regret to say that I find the distinction between boycotting institutions and boycotting individuals, one that is consistently emphasized by BDS activists, to be a legalism that is utterly meaningless in practice.”

Potter takes for granted that the boycott does not seek to regulate scholarly ideas, collaborations, or writings. Rather, boycott seeks to neutralize the detrimental role of the Israeli academy in perpetuating the conflict. In particular, it prevents Israeli institutions from using the ivory tower to create false parity between Israel, a nuclear-power state with unparalleled ties to the United States, and Palestinians, a stateless, subjugated, and scattered population. The academic boycott also seeks to prevent the Israeli academy, which is intertwined with Israel's military and weapons industrial complex, from using scholarship as a tool to normalize Israeli settler colonialism.

In practice, the boycott encourages scholars to avoid participating in conferences at Israeli universities, to refuse to collaborate in initiatives funded by them, and to not host official representatives of the Israeli academy who perpetuate Israel's normalizing efforts. This does not target individuals qua individuals, although it does affect those who participate in Israel's institutionally driven normalizing and whitewashing efforts. Finally, while the boycott discourages normalizing exchanges, it encourages events aimed at exploring these ideas in the form of debate and collaboration dedicated to co-resistance.

In his two minutes on the floor, David Palumbo-Liu, professor of Comparative Literature at Stanford University, explained that in the context of the resolution for academic boycott, [T]o do nothing was to be complicit in the continued denial of academic freedom to opposing voices in Israel-Palestine, and that each visit there for academic 'exchange' was an endorsement of the status quo." Palumbo-Liu raised a pervasive concern among ASA's membership: when we speak of academic freedom, whose freedom are we concerned with? He suggested that engaging in boycott has the potential to cultivate more freedom to engage in critique.

In her 2006 essay, "Israel/Palestine and the Paradoxes of Academic Freedom," Judith Butler contemplates the value of academic freedom as an abstract good extricated from its political context. Butler highlights that between 1972 and 1993, Birzeit University (BZU) was closed on fifteen separate occasions amounting to over seven years. In 2004, due to the Bantustanization of the West Bank, there was a 100 percent drop of student enrollment at BZU from Jenin Governate, meaning zero students could register because of movement restrictions. From September 2000–2004, Israeli military violence killed 196 students and thirty-eight teachers and university employees. By highlighting these incidents Butler challenges readers to consider a hierarchy of rights wherein material freedom, which makes possible the exercise and enjoyment of all other freedoms, ranks supreme.

The fact that Palestinians issued the call for boycott was central to the ASA's consideration of the resolution. In response to suggestions that the ASA should demonstrate its solidarity with Palestinians using less controversial means, Craig Willse, professor of Cultural Studies at George Mason University, cautioned that in exercising solidarity, allies should not instruct Palestinians how to free themselves.

Mark Rifkin, associate professor of English at the University of North Carolina, added that anxieties that this boycott singles out Israel are misplaced. Rifkin emphasized that if indigenous populations in the U.S., Australia, Canada, New Zealand and elsewhere asked him to endorse an academic boycott, he would vote yes as well.

Significantly, a vote for academic boycott in the ASA carves out new spaces for indigenous populations in the United States to discuss their forced removal and subjugation as an ongoing

condition. In fact, the one amendment to the resolution echoed during the town hall was that it should explicitly implicate U.S. imperialism and settler colonialism as part of the problem and the place from which ASA solidarity extends.

The ASA's executive committee would be wise to endorse the academic boycott. If it does, it will be leading the movement in the United States, along with the AAAS, by creating much-needed momentum. Even if it does not, the association is already victorious for shattering a taboo at a high risk and cost. In so doing, it has transformed a muted and distant inquiry about the Palestinian-Israel conflict into a self-critical analysis about the role of the United States as a third party to the conflict. The ASA has forthrightly brought the question of Palestine into the fold of American Studies and provocatively asked, what then is the proper role of the U.S. academy? Its membership has answered this question clearly, and loudly, enough for other academic associations to consider it as well. This is the victory to be celebrated.

B. AMERICAN STUDIES ASSOCIATION, "COUNCIL RESOLUTION ON BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS," 4 DECEMBER 2013

Whereas the American Studies Association (ASA) is committed to the pursuit of social justice, to the struggle against all forms of racism, including anti-Semitism, discrimination, and xenophobia, and to solidarity with aggrieved peoples in the United States and in the world;

Whereas the United States plays a significant role in enabling the Israeli occupation of Palestine and the expansion of illegal settlements and the Wall in violation of international law, as well as in supporting the systematic discrimination against Palestinians, which has had documented devastating impact on the overall well-being, the exercise of political and human rights, the freedom of movement, and the educational opportunities of Palestinians;

Whereas there is no effective or substantive academic freedom for Palestinian students and scholars under conditions of Israeli occupation, and Israeli institutions of higher learning are a party to Israeli state policies that violate human rights and negatively impact the working conditions of Palestinian scholars and students;

Whereas the American Studies Association is cognizant of Israeli scholars and students who are critical of Israeli state policies and who support the international boycott, divestment, and sanctions (BDS) movement under conditions of isolation and threat of sanction;

Whereas the American Studies Association is dedicated to the right of students and scholars to pursue education and research without undue state interference, repression, and military violence, and in keeping with the spirit of its previous statements supports the right of students and scholars to intellectual freedom and to political dissent as citizens and scholars;

It is resolved that the American Studies Association endorses and will honor the call of Palestinian civil society for a boycott of Israeli academic institutions. It is also resolved that the ASA supports the protected rights of students and scholars everywhere to engage in research and public speaking about Israel-Palestine and in support of the boycott, divestment, and sanctions movement.

C. AMERICAN STUDIES ASSOCIATION, "NATIONAL COUNCIL STATEMENT ON THE BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS," 4 DECEMBER 2013

ASA National Council Votes Unanimously To Endorse Academic Boycott of Israel.

One year ago, the Academic and Community Activism Caucus of the American Studies Association (ASA) asked the Executive Committee (EC) to consider a resolution to honor the call from Palestinian civil society to support the academic boycott of Israel. The EC forwarded the resolution to the National Council. Following the deliberative procedures detailed below, the Council unanimously decided to issue a revised version of the resolution, which we now recommend to members of the ASA. Please follow this link to read the resolution.

The Council voted for an academic boycott of Israeli institutions as an ethical stance, a form of material and symbolic action. It represents a principle of solidarity with scholars and students deprived of their academic freedom and an aspiration to enlarge that freedom for all, including Palestinians.

We believe that the ASA's endorsement of a boycott is warranted given U.S. military and other support for Israel; Israel's violation of international law and UN resolutions; the documented impact of the Israeli occupation on Palestinian scholars and students; the extent to which Israeli institutions of higher education are a party to state policies that violate human rights; and the support of such a resolution by many members of the ASA.

Our resolution understands boycott as limited to a refusal on the part of the association in its official capacities to enter into formal collaborations with Israeli academic institutions, or with scholars who are expressly serving as representatives or ambassadors of those institutions, or on behalf of the Israeli government, until Israel ceases to violate human rights and international law.

The resolution does not apply to individual Israeli scholars engaged in ordinary forms of academic exchange, including conference presentations, public lectures at campuses, or collaboration on research and publication. The Council also recognizes that individual members will act according to their convictions on these complex matters.

The ASA is a large organization that represents divergent opinions. Anticipating strong and potentially divided feelings on this question, the Council unanimously decided to ask ASA members to endorse the resolution by a vote.

Background on the Resolution

The resolution is the culmination of a long history of discussion and debate in the ASA. In 2006, in response to Israel's attacks on Lebanon and Gaza, the ASA International Committee (IC), including a former ASA President, discussed the possibility of endorsing a boycott. In 2009, in the wake of Israel's military assault on Gaza and in response to requests from ASA members, several bodies in the association again took up the question of a boycott: the IC, the Program Committee for the 2009 convention, and the Executive Committee, which included the current ASA President. The consensus then was that members needed more opportunities to learn about and discuss the issues and so the Program Committee organized two featured panels: "Palestine in Crisis" and "Academic Freedom and the Right to Education: The Question of Palestine." Scheduled in prime times on Friday and Saturday of the convention, the panels addressed the plight of Palestinian universities and academics and the profound pressures on teaching and research contexts in the United States and Palestine where education and intellectual freedom were under attack. The second panel focused in particular on the boycott movement.

In the wake of such discussions, the Academic and Community Activism Caucus (ACAC) met at the 2012 ASA convention to consider a resolution and gather signatures. This resolution was then submitted to the Executive Committee and, in December, posted on the Caucus' page on the ASA website. Information about the resolution was also included in the December 2012 ASA Newsletter distributed to all ASA members.

In March of 2013, the Program Committee for the 2013 ASA convention met and discussed ways to create opportunities at the meeting to discuss issues related to calls for boycott. The resulting program included eight sessions on "Middle East American Studies," with four focused specifically on United States/Israel/Palestine. At the same time the Ethnic Studies Committee organized two panels about settler colonialism that discussed the Israeli occupation of Palestine, while the ACAC organized a panel called "Boycott as a Non-Violent Strategy of Collective Dissent."

In May 2013, the Executive Committee met and discussed the proposed resolution submitted by the ACAC at great length. It agreed that it would be in the best interest of the organization to solicit from the membership as many perspectives as possible on the proposed resolution to aid the National Council in its discussions and decision making. With the past President and a prominent, senior member of the association serving as moderators, it held an open session during the November National Convention at which the National Council was present to hear directly from the membership. Members were notified of the open discussion well in advance of the convention and it was highlighted as a featured event in both online and print versions of the program. Additionally, members who could not attend the session or the convention were encouraged to contact the EC directly via email, and many did so.

The Saturday, 23 November open discussion was attended by approximately 745 ASA members. Members distributed information about the boycott in advance, and the hall was filled with leaflets representing different views. The moderators carefully and clearly articulated the different actions that could be taken and the process for deliberation. To guarantee an orderly and fair discussion members who wished to speak put their name in a box from which speakers were randomly selected. Speakers were limited to two minutes, providing the opportunity to hear from forty-four different speakers during the time allotted for the special session. The discussion was passionate but respectful. Speakers included students, faculty, past Presidents, former members of the National Council, former and current members of the AQ editorial staff, American Studies department chairs, and an ASA member also representing the organization Jewish Voice for Peace. While different opinions were articulated, the overwhelming majority spoke in support of the ASA endorsing an academic boycott.

Remaining in session over the course of eight days after the open session, Council members spoke and wrote from different perspectives, debated different possibilities, and critically yet generously engaged each other. The resulting resolution reflects, we think, the history and present state of conversations within the ASA, offering a principled position for the association's participation in the academic boycott of Israeli academic institutions while respecting the unique conditions and diverse positions of our membership on this issue.

In the last several decades, the ASA has welcomed scholarship that critically analyzes the U.S. state, its role domestically and abroad, and that reaches out beyond U.S. borders. Our commitment to cutting-edge and transnational scholarship has been accompanied by the comparative study of

borders, migration, and citizenship. The ASA also has a history of critical engagement with the field of Native American and Indigenous studies that has increasingly come to shape and influence the field and the association, and the Council acknowledged the force of Israeli and U.S. settler colonialism throughout our deliberations. Finally, the resolution is in keeping with the ASA's continuing commitment to ethical research and the right of scholars to dissent and to take public positions.

The Council believes that the resolution is of particular significance to scholars of American Studies. Together, we endorse it, and recommend that ASA members endorse it as well.

The ASA National Council

Jennifer Devere Brody, Stanford University

Ann Cvetkovich, University of Texas, Austin

Jeremy Dean, University of Texas, Austin

Lisa Duggan, New York University

Avery Gordon, University of California, Santa Barbara

Matthew Frye Jacobson, Yale University

E. Patrick Johnson, Northwestern University

J. Kehaulani Kauanui, Wesleyan University

Marisol LeBrón, New York University

Karen Leong, Arizona State University

Sunaina Maira, University of California, Davis

Martin F. Manalansan IV, University of Illinois, Urbana-Champaign

Curtis Marez, University of California, San Diego

Roya Rastegar, Bryn Mawr College

Chandan Reddy, University of Washington, Seattle

Juana María Rodríguez, University of California, Berkeley

María Josefina Saldaña-Portillo, New York University

Nikhil Pal Singh, New York University

Due to a family emergency, Juri Abe, Rikkyo University, Tokyo, Japan, was not present for the National Council meeting where the resolution was passed.

The Legislative Backlash

Not long after the ASA vote and endorsement (see above), lawmakers in numerous states began to draft and introduce bills banning funding to academic institutions participating in a boycott of Israeli universities. The New York state assembly bill (Document E) was the first of the series, passing the Senate on 28 January 2014. Although it was later defeated by a coalition of national and local civil rights organizations, unions, and educators, versions of the bill began appearing in other state assemblies, as well as in the U.S. Congress. Maryland and Illinois state senators proposed similar legislation, while House Chief Deputy Whip Peter Roskam (R-IL) and Rep. Dan Lipinski (D-IL) introduced a congressional bill that would deny funding not only to universities supporting a

boycott of Israel, but also to universities funding organizations that endorse an Israeli academic boycott. While all of the bills were portrayed as a means of protecting academic freedom, the state bills did not mention Israel specifically. The congressional bill, however, which is labeled as an amendment to the Higher Education Act of 1965, specifies Israel as the boycott target country and founds its concern in the status of Israel as a “vital American ally” and “fellow democracy.”

At the time of publication, aside from initial moves forward on the New York bill, none of the four bills presented in this document file had been voted on.

D. NEW YORK SENATE ASSEMBLY BILL A.8392, 10 JANUARY 2014

Introduced by M. of A. Silver, Glick, Hikind, Morelle, Farrell, Cymbrowitz, Lavine, Weinstein, Goldfeder, Rozic, Jacobs, Titus, Sweeney, Englebright, Dinowitz, Scarborough, Colton, Benedetto, Jaffee, Schimel, Titone, Miller, Thiele, Moya, Brindisi, Otis, Rosa, AbbateB, Braunstein, Cook, Camara, Ortiz, Pichardo, Bronson, Brook-Krasny, Lentol, Paulin, Rosenthal, Sepulveda, Skoufis, Weisenberg, Weprin, Zebrowski – read once and referred to the Committee on Higher Education.

AN ACT prohibiting the use of state aid by colleges and universities for certain academic institutions.

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds that it is beneficial to students of this state to have access to an education that is not bound by borders and to have the opportunity to obtain a global education. The legislature further finds that it is important that New York State undertake efforts to ensure that its students succeed in a world that is continually becoming more interdependent and diverse and further that students have access to international higher education institutions. A global education allows students to connect, compete, and cooperate with their peers around the world. Therefore it is the policy of the State of New York that colleges not use state funds to support boycotts of countries, or higher education institutions located in countries, that host higher education institutions chartered by the Board of Regents of the University of the State of New York.

S 2. 1. For purposes of this section the following shall apply:

- (a) the term “academic entity” shall mean any organization comprising colleges, universities or professors that promotes or supports academia in the United States and abroad.
- (b) the term “college” shall have the same meaning as such term is defined in subdivision 2 of section 2 of the education law.
- (c) the term “host country” shall mean those countries that host a higher education institution chartered by the Board of Regents of the University of the State of New York.

2. No college in this state may use state aid provided directly to such college to: fund an academic entity, provide funds for membership in an academic entity or fund travel or lodging for any employee to attend any meeting of such academic entity if such entity has issued a public resolution or other official statement or undertaken an official action boycotting a host country or higher education institutions located in such country.

3. If a college has violated subdivision two of this section, an amount equal to the state aid expended by such college for purposes prohibited by subdivision two of this section shall be unreimbursable and deducted from any future payments of state aid to such college.

4. Nothing in this section shall limit the attendance by any employee of a college at any event of an academic entity that boycotts a host country or higher education institutions located in such country and attendance at meetings of any such entity shall not be used by the college with regard to employment decisions.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

E. SEN. JOAN CARTER CONWAY, MARYLAND STATE SENATE BILL 647, 31 JANUARY 2014

Assigned to: Education, Health, and Environmental Affairs

AN ACT concerning

Public Higher Education – Use of Funds – Prohibition

FOR the purpose of stating certain findings of the General Assembly; declaring a certain policy of the State; prohibiting certain institutions of higher education from using funds for certain purposes; requiring a certain reduction to State funds under certain circumstances; limiting the scope of a certain prohibition; and generally relating to institutions of higher education.

BY adding to

Article – Education

Section 10–203.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

SECTION 1. Be it enacted by the General Assembly of Maryland, that the laws of Maryland read as follows:

Article – Education

10–203.1.

- (A) The General Assembly finds that it is beneficial to students of this state to have access to:
- (1) An education that is not bound by geographic borders; and
 - (2) A global education which provides students with the opportunity to connect, compete, and cooperate with peers around the world.
- (B) The General Assembly declares that it is the policy of the state that public colleges and universities not use funds to directly or indirectly support academic boycotts of other countries that have ratified declarations of cooperation with the state or institutions of higher education in those countries.
- (C) Public institutions of higher education in the state may not use funds, including general funds, tuition and fees, and institutional funds, to provide for:
- (1) Membership fees of a faculty or staff of the public institution of higher education that are owed to an organization that has issued a public resolution or statement or taken an official action boycotting a country that has ratified a declaration of cooperation with the state or the country's institutions of higher education; and

- (2) Travel expenses of a faculty or staff of the public institution of higher education to attend meetings of an organization that has issued a public resolution or statement or taken an official action boycotting a country that has ratified a declaration of cooperation with the state or the country's institutions of higher education.
- (D) If a public institution of higher education uses funds that are prohibited under subsection (c) of this section, state funds allocated to the institution in the fiscal year following the prohibited use of funds shall be reduced by 3 percent.
- (E) Nothing in this section limits an employee of a public college or university from using personal funds to belong to or participate in an organization described in subsection (c) of this section.

SECTION 2. And be it further enacted, that this Act shall take effect 1 July 2014.

F. CONGRESSIONAL LETTER TO ASA PRESIDENT MAREZ, 17 JANUARY 2014

January 17, 2014

Mr. Curtis Marez
President
American Studies Association
1120 19th St NW, Suite 301
Washington, DC 20036

Dear Mr. Marez:

We write in strong opposition to the American Studies Association's (ASA) recent decision to boycott Israeli universities and academic institutions. While ASA has every right to express its views on policies pursued by any nation or government, we believe that the decision to blacklist Israeli academic institutions for Israeli government policies with which ASA disagrees demonstrates a blatant disregard for academic freedom.

The ASA claims that the boycott "is in solidarity with scholars and students deprived of their academic freedom and it aspires to enlarge that freedom for all, including Palestinians." We believe that this boycott accomplishes just the opposite. The university is an institution intended to foster, encourage, and inspire constructive dialogue and original thought. However, this boycott undermines academic freedom by prohibiting educational and cultural exchanges with Israeli universities and academic institutions.

Even more concerning is the singular targeting of Israel for boycott. Like all democracies, Israel is not perfect. But to single out Israel, while leaving relationships with universities in autocratic and repressive countries intact, suggests thinly-veiled bigotry and bias against the Jewish State. This morally dishonest double standard has already been rejected by well over one hundred university presidents, with several member universities even withdrawing from the organization in protest.

Some higher education organizations—including the American Association of University Professors, the American Council on Education, and the Association of American Universities—have denounced the boycott as unjust and harmful to the goals of academic freedom. Even Palestinian Authority President Mahmud Abbas rejects boycotts of Israel, stating: "No, we do

not support the boycott of Israel. . . . We have relations with Israel, we have mutual recognition of Israel.”

Academic cooperation can be an important tool to help foster peace between Israelis and Palestinians, but you have chosen the unproductive path of isolation. We hope that the ASA will learn to appreciate the mutually beneficial academic ties between the United States and Israel and work with us to promote peace and academic freedom.

Sincerely,

Peter J. Roskam	Aaron Schock	Jim Costa
Theodore E. Deutch	Dina Titus	Grace Meng
Doug Collins	Tom Marino	Alan Nunnelee
Bradley S. Schneider	Marc A. Veasey	Derek Kilmer
Edward R. Royce	John Fleming	Jared Polis
Eliot L. Engel	Jackie Walorski	Joe Garcia
Ileana Ros-Lehtinen	Gerald E. Connolly	John B. Larson
Brad Sherman	Ron DeSantis	Tom Reed
Fred Upton	Richard Hudson	Mark Meadows
Henry A. Waxman	Alan Grayson	Patrick Murphy
Peter T. King	James P. McGovern	Mike Kelly
Debbie Wasserman Schultz	Eric Swalwell	Carol Shea-Porter
James Lankford	Tulsi Gabbard	David P. Joyce
Steve Israel	George Holding	Juan Vargas
Pete Sessions	Luke Messer	Gary C. Peters
Chris Van Hollen	Randy K. Weber, Sr.	John K. Delaney
Leonard Lance	Ted S. Yoho	Bill Johnson
Sander M. Levin	Michael G. Grimm	Betty McCollum
Nita M. Lowey	Alan S. Lowenthal	Daniel Lipinski
Gus M. Bilirakis	Devin Nunes	Rodney Davis
Jerrold Nadler	Julia Brownley	Corrine Brown
Mike Pompeo	Steve Stivers	Stephen F. Lynch
Patrick J. Tiberi	Lois Frankel	Tom Latham
Frederica S. Wilson	Mike Quigley	Gregory W. Meeks
Cory Gardner	David Schweikert	Louie Gohmert
Kevin Yoder	Pedro R. Pierluisi	Spencer Bachus
Jim Bridenstine	Rush Holt	Bruce L. Braley
Kerry L. Bentivolio	Joseph P. Kennedy III	Carolyn B. Maloney
Gene Green	Adam Kinzinger	John Campbell
Todd Rokita	Paul Cook	Albio Sires
Mark Pocan	Bill Foster	Matt Salmon
William R. Keating	Allyson Y. Schwartz	Alcee L. Hastings
	Tim Griffin	Janice D. Schakowsky

Bill Pascrell, Jr.	James F. Sensenbrenner, Jr.	Jeff Duncan
Steve Chabot	John Shimkus	David N. Cicilline
Christopher H. Smith	Charles W. Dent	Patrick Meehan
Doug Lamborn	Brian Higgins	Randy Hultgren
Michele Bachmann	Suzan K. DelBene	Al Green
Steve Pearce	Ann M. Kuster	Steve Scalise
Doris O. Matsui	Scott H. Peters	Adam B. Schiff
Trent Franks	Steve Cohen	Paul C. Broun
Tim Walberg	John A. Yarmuth	Joseph Crowley
Jim Gerlach	David Loebsack	Denny Heck
Mike Coffman	Kathy Castor	Todd C. Young
Robert E. Latta	James R. Langevin	Carolyn McCarthy

G. REPS. ROSKAM AND LIPINSKI, "PROTECT ACADEMIC FREEDOM ACT" (H.R. 4009), 6 FEBRUARY 2014

113th Congress
2d Session

...

A BILL

To amend the Higher Education Act of 1965 to prohibit an institution that participates in a boycott of Israeli academic institutions or scholars from being eligible for certain funds under that Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect Academic Freedom Act."

SEC. 2. INELIGIBILITY OF INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN A BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS OR SCHOLARS.

(a) FINDINGS.—Congress finds the following:

- (1) Israel is a vital American ally and a fellow democracy that fosters free speech.
- (2) Attempts to single out Israel for discriminatory boycotts violate the principle of academic freedom guaranteed by the United States.

(b) INELIGIBILITY.—Subtitle B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following new section:

"SEC. 124. INELIGIBILITY OF INSTITUTIONS PARTICIPATING IN A BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS OR SCHOLARS.

"(a) INELIGIBILITY.—Notwithstanding any other provision of law, an institution of higher education shall not be eligible to receive funds or any other form of financial assistance under this Act if the Secretary determines that such institution is participating in a boycott of Israeli academic institutions or scholars.

"(b) DETERMINATION OF INELIGIBLE INSTITUTIONS. —

“(1) CRITERIA.—For purposes of this section, the Secretary shall consider an institution of higher education to be participating in a boycott of Israeli academic institutions or scholars if the institution, any significant part of the institution, or any organization significantly funded by the institution adopts a policy or resolution, issues a statement, or otherwise formally establishes the restriction of discourse, cooperation, exchange, or any other involvement with academic institutions or scholars on the basis of the connection of such institutions or such scholars to the State of Israel.

“(2) PUBLIC AVAILABILITY OF LIST; NOTIFICATION.—Not later than 1 May of each year, the Secretary shall—

“(a) identify and make publicly available a list of all institutions of higher education participating in a boycott of Israeli academic institutions or scholars, as described in paragraph (1); and

“(b) notify each institution of higher education identified in accordance with subparagraph (A) of the identification of such institution as an institution participating in a boycott of Israeli academic institutions or scholars.

“(c) WAIVER.—Not later than thirty days after receiving a notification under subsection (b)(2) that an institution of higher education has been identified as an institution participating in a boycott of Israeli academic institutions or scholars, such institution may request the Secretary to waive the restriction applicable to such institution under subsection (a). The Secretary may waive the restriction for such institution if the Secretary considers a waiver appropriate.

“(d) INAPPLICABILITY TO STUDENT FINANCIAL AID FUNDS.—The prohibition under subsection (a) shall not apply to any funds available under this Act for student financial aid, as determined by the Secretary.

“(e) RESTORATION OF ELIGIBILITY FOR CEASING OF BOYCOTT.—The prohibition under subsection (a) shall cease to apply to any institution of higher education that the Secretary determines has ceased participating in a boycott of Israeli academic institutions or scholars.”

H. SEN. IRA I. SILVERSTEIN, ILLINOIS GENERAL ASSEMBLY SB3017, 7 FEBRUARY 2014

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Board of Higher Education Act is amended by changing Section 3 as follows:
(110 ILCS 205/3) (from Ch. 144, par. 183)

Sec. 3. Terms; vacancies.

(a) The members of the Board whose appointments are subject to confirmation by the Senate shall be selected for six year terms expiring on 31 January of odd numbered years. Of the initial appointees, however, two shall be designated by the Governor to serve until 31 January 1963, three until 31 January 1965, and three until 31 January 1967.

Of the two appointees to be made by the Governor pursuant to this Act as amended by the 75th General Assembly, one shall be designated to serve until 31 January 1971 and one until 31 January 1973.

(b) The members of the Board shall continue to serve after the expiration of their terms until their successors have been appointed.

(c) Vacancies on the Board in offices appointed by the Governor shall be filled by appointment by the Governor for the unexpired term. If the appointment is subject to Senate confirmation and the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent Senate approval of the appointment.

(d) Each student member shall serve a term of one year beginning on 1 July of each year, except that the student member initially selected under this amendatory Act of the 94th General Assembly shall serve a term beginning on the date of such selection and expiring on the next succeeding 30 June.

(e) The member of the Board representing public university governing boards and the member of the Board representing private college and university boards of trustees, who are appointed by the Governor but not subject to confirmation by the Senate, shall serve terms of one year beginning on 1 July.