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A bastion of free speech, individual liberty, and equality. This is the mantra our government repeats across the world and teaches nationwide in American schools. Rarely stated, however, are the varying limitations imposed on persons seeking to exercise such rights according to their identity. Protection of fundamental rights is at its zenith when exercised by white, Judeo-Christian communities, while exceptions are frequently invoked when racial or ethnic minorities exercise the same rights to challenge policies and laws harmful to their communities. Members of the majority engaged in dissent are treated as patriots with different political views. Minorities who dissent are treated as security and cultural threats deserving of social stigma at best or criminalization at worst. This racialized double standard is most acute for Muslim or Arab Americans when they exercise their free speech rights to criticize the U.S. government’s failure to hold Israel accountable for its systematic violations of Palestinians’ human rights.

Often repeated statements in support of Israel across U.S. administrations stand as a reminder of Israel’s central place in U.S. foreign policy. A most recent example occurred in Jerusalem on July 14, 2022 when President Joe Biden and Israeli Prime Minister Yair Lapid issued a joint statement declaring: “The United States and Israel reaffirm the unbreakable bonds between our two countries and the enduring commitment of the United States to Israel’s security. Our countries further reaffirm that the strategic U.S.-Israel partnership is based on a bedrock of shared values, shared interests, and true friendship.”

Among the countless analyses expounding on the strong bond between the U.S. and Israel in policy terms, few examine the relationship between Islamophobia and U.S. policy on Palestine-Israel. Specifically, when Muslims and Arabs in America defend the rights of Palestinians or criticize Israeli state policy, they are often baselessly presumed to be motivated by a hatred for Jews rather than support for human rights, freedom, and consistent enforcement of international law. The resulting harm occurs at the individual and systemic level. Systemically, informed and critical debate about U.S. foreign policy is hampered by censorship campaigns targeting college students, faculty, human rights organizations, journalists, and elected officials. Individually, Muslim and Arab Americans are defamed and effectively excluded from critical public debates pertaining to U.S. policies executed in their names and with their tax funds. Should Arabs and Muslims exercise their constitutional rights of free speech and assembly in defense of Palestinian human rights, they frequently become targets of aggressive intimidation,
harassment, and blacklisting campaigns in their workplaces, towns, and universities.

This report examines how Islamophobia shapes American foreign policy in the three following ways: 1) restricting open debate about unconditional U.S. support for Israel notwithstanding documented and systematic violations of international law by the Israeli government, 2) perpetuating racist tropes that Muslims and Arabs innately hate Jews, and 3) discrediting the Palestinian people from realizing their full civil, political, national, and human rights. Such racialized foreign and domestic policy was brought into sharp relief in 2022, with the response in the United States and Europe to Russia’s aggression against Ukraine. As Americans in and out of government united in supporting the political, civil, and national rights and defense of Ukraine and Ukrainians, the approach in Washington to similar Palestinian interests ranges, with a few exceptions, from qualified, muted neutrality to outright hostile opposition.

Such double standards prompt multiple questions that reveal how race and racism infect foreign policy and the treatment of minority communities who espouse unpopular views or dissent from the political orthodoxy, including the defense of human rights for all. What role does Islamophobia play in the formation of policies that restrict Palestinians from the same right of self-determination that are celebrated for Ukrainians and Israelis? How does Islamophobia silence and punish Muslim and Arab Americans who defend Palestinians’ rights in universities, the media, the public square, and online?

This report explores these questions by addressing three key components of Islamophobia and related (though not identical) anti-Palestinian racism. First, Islamophobia adversely shapes public discourse on Palestine in the United States, currently and predating the “War on Terror.” Racist stereotypes of Muslims as savage are deployed to promote discriminatory policies against Palestinians. Second, an ecosystem of Zionist institutions and prominent individuals perpetuate Islamophobia to promote the policies and goals of Israel in its theft and occupation of Palestinian territory, decades of dispossession and marginalization of the Palestinian people, and denial of the rights of Palestinian refugees. Finally, Islamophobia is juxtaposed against antisemitism, portraying Muslims globally and domestically as agents of antisemitism; attempting to create a competition, or even a zero-sum scenario between Muslims and Jews—rather than allowing principled opposition to both antisemitism and Islamophobia to unite joint social justice struggles.

As a result, legitimate efforts to combat antisemitism are disingenuously co-opted to undermine Palestinian aspirations for self-determination and human rights, as well as to defame Muslim and Arab human rights defenders as inherently antisemitic. Palestinian aspirations are often portrayed by the media and Zionist organizations as a cover for a uniquely Arab and Muslim antisemitism. Related is the tendency to pathologize Palestinians and all aspects of their political, cultural and social lives. This both stigmatizes the very idea of civil, national, and human rights of Palestinians and attempts to censor Arab and Muslim Americans’ political activism.

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Discrediting any criticism of Israeli state practices violating Palestinian human rights as antisemitism overlooks the growing number of Jews and Muslims working together to promote Palestinian rights. Concerns of American supporters of Israel, including Jewish Americans who have a deeply personal stake in the well-being of the Jewish people of Israel, and American supporters of Palestinians, who have an equally deep and personal stake in the well-being of the Palestinian people in Palestine, are not equally considered when crafting American policy in the region.

Islamophobia, though far from being the sole reason for U.S. policy exceptionalizing Palestine, is a substantial factor. In turn, Muslims or Arabs (who are often mistaken as all Muslim) who criticize America’s unconditional support for Israeli state practices, regardless of the human rights implications, are immediately ostracized as antisemitic. The consequent harm is twofold: Palestinians’ lives and rights are discounted, and Muslim and Arab Americans are denied meaningful participation in public discourse on U.S. foreign policy and the ability to exercise their free speech rights.

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9 See, for example, accounts of American Muslims for Palestine and Jewish Voice for Peace working together in Taher Herzallah, *In the US, We Need a Muslim-Jewish Alliance …… But One That Does Not Silence Discussions on Justice For Palestine*, Al Jazeera English (Jan. 23, 2017), https://www.aljazeera.com/opinions/2017/1/23/in-the-us-we-need-a-muslim-jewish-alliance. See also coalition work including the Muslim group Mpower Action Fund and the Jewish group IfNotNow, among others, at *Sign Now to Demand the Biden Administration Hold Israel’s Apartheid Government Accountable*, Action Network, https://actionnetwork.org/forms/no-apartheid/?source=group-mpower-action-fund&refferrer=group-mpower-action-fund.

This report makes three recommendations for countering Islamophobia in public discourse and government policymaking, promoting principles of universal human rights that include Palestinians, and rejecting ethnocentric foreign policy that dehumanizes Palestinians.

1. **U.S. foreign policy development and mainstream media must include the experiences and perspectives of Palestinian, Arab, and Muslim American communities.** Policy formation on Palestine-Israel must be better informed by the lived experiences of the Palestinian people and perspectives of their supporters here in the United States. For over sixty years, Jewish Israelis’ experiences have informed U.S. foreign policy to the exclusion of almost all other perspectives. Government officials and the media treat Israelis as human beings deserving of dignity, human rights, and self-determination. In stark contrast, the U.S. government treats Palestinians as inferior and dangerous people who are undeserving of the same international rights accorded to Israelis. Even as Palestinians are routinely subject to disproportionate Israeli bloodshed, racism, and dispossession as a matter of course – and as Israeli government officials frequently subject Palestinians to degrading, dehumanizing rhetoric – the U.S. government often chooses to criticize both sides as equally culpable. Similarly, the American media fails to include the experiences of Palestinians living under a decades-long brutal occupation in Gaza and the West Bank. Muslim and Arab American communities must have the same access and input to policymaking and media coverage as Jewish and Christian supporters of Israel. Not only do Americans deserve to hear all perspectives in a complex foreign policy dispute, but the policies better serve the nation when they are not skewed in favor of one side.

2. **Universities must preserve the academic freedom and free speech rights of students and faculty engaged on Palestinian human rights.** Students and faculty face hostile academic environments when they host events, conduct research, publish articles, or engage in campus activism related to Palestine. They are harassed with specious complaints of antisemitism while simultaneously being subject to malicious blacklisting by an Islamophobic network of right-wing Zionist organizations. Political and speech rights are hollow if not afforded to all people irrespective of religious or racial identity. Nor can students receive a high-quality education if they are not exposed to different perspectives. In no other place than a university should the fundamental rights to speech and intellectual inquiry be more closely guarded.

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The United States government must hold Israel accountable for violating human rights. Ongoing violations of international law by Israel, such as settlement expansion and collective punishment of the Gaza population, continue unchecked because the United States consistently looks the other way.¹³ Neither domestic laws prohibiting foreign aid to human rights violators nor international humanitarian laws are enforced against Israel. These policies send a clear message to the world: Palestinians’ lives and dignity do not matter, directly contradicting the U.S. government’s stated commitment to international human rights for all.¹⁴ The predictable result is the deterioration of the United States’ global standing, as other nations rightfully charge Washington with enforcing a double standard between Israel and Middle East governments.¹⁵

¹⁵ Nicholas Kristof, With Israel, It’s Time to Start Discussing the Unmentionable, N.Y. TIMES (July 22, 2023).
A Note on Terminology

Islamophobia, as the term is being used here, refers to what Professor Sahar Aziz calls “an exaggerated fear of, and hostility to Islam and Muslims by the state and the public as a result of imputed inferior biological and cultural traits based on religious identity that produce systemic bias, discrimination, and marginalization, and exclusion of Muslims from social, political, and civic life.”

Although anti-Arab racism is separate from Islamophobia, the two forms of bias often overlap. A sizable minority of Arabs (including Palestinians) are not Muslim, but often experience Islamophobia because Americans incorrectly assume all Arabs are Muslim. The considerable overlap between these two prejudices in the West, and especially in the United States, should be noted while acknowledging the two are not identical. For the sake of brevity and clarity, this report uses Islamophobia broadly to describe both anti-Arab and anti-Palestinian racism.

INTRODUCTION

1. Equating criticism of Israel to anti-Semitism

2. American Islamophobia is bipartisan
The first and only Palestinian-American woman in the U.S. Congress, Representative Rashida Tlaib, voiced her opposition to adding $1 billion to the $4 billion in foreign aid to Israel for the purpose of replenishing their Iron Dome anti-missile rockets. Three months prior in May of 2021, Israel had launched more than 1,500 of these rockets during its bombardment of Gaza.\(^{19}\) “I will not support an effort to enable war crimes and human rights abuses and violence. We cannot be talking only about Israelis’ need for safety at a time when Palestinians are living under a violent apartheid system and are dying from what Human Rights Watch has said are war crimes,” Tlaib said. “Israel is an apartheid regime — [these are] not my words, but the words of Human Rights Watch and the words of Israel’s own human rights organization B’Tselem,” she added. “I urge my colleagues to please stand with me in supporting human rights for all.”\(^{20}\)

Republican Representative Chuck Fleischmann immediately attacked Tlaib, accusing her of antisemitism and implying that she was a physical threat to Jews. “We heard right now from my colleague across the aisle, a shocking statement—she opposes this because they have a vocal minority in the majority party that is anti-Israel, that is anti-Semitic and as Americans, we can never stand for that.”\(^{21}\) Fleischmann also stated “we heard from [the Democrats’] radical left wing that does not support Israel, that does not support the Jewish people. It does not support their right, their inherent right to exist. Let us, as Americans, make our resolve now, today, and forever in our great Republic to protect the people of Israel.”\(^{22}\)

Fleischmann made it clear that Tlaib’s impassioned plea to recognize the oppression of her ancestral people, the Palestinians, was in his view a threat to Jewish Israeli citizens. The action of a Muslim speaking in defense of Palestinians was immediately, and without basis, interpreted as an attack on Jews from whom they needed the might of the United States to defend against. In claiming to protect Jews, Fleischmann invoked an Islamophobic trope: Muslims are inherently dangerous and innately antisemitic.\(^{23}\)

Democratic Representative Ted Deutch joined in the attack campaign by repeatedly accusing Tlaib of antisemitism. Deutch said, “Mr. Speaker, we can have an opportunity to debate lots of issues on the House floor, but to falsely characterize the State of Israel is consistent with those–let’s be clear—it is consistent with those who advocate for the dismantling of the one Jewish state in the world. When there is no place on the map for one Jewish state, that is anti-Semitism, and I reject that.”\(^{24}\) This was not mere political disagreement and hyperbole. Deutch took the words of a member of his own party—words which were echoed by respected international and Israeli human rights groups in defense of the human rights of Palestinians—and disingenuously turned them into an attack on Jewish people everywhere.\(^{25}\) Put simply, any criticism of the state of Israel is often regarded as an attack on world Jewry.

\(^{19}\) Patty-Jane Geller, Congress Overdue to Help Fund Israel’s Iron Dome, HERITAGE FOUND. (Feb. 17, 2022), https://www.heritage.org/middle-east/commentary/congress-overdue-help-fund-israels-iron-dome/.  The actual number of Iron Dome rockets launched by Israel is not publicly available. However, the number of rockets intercepted by Iron Dome, 1,477, has been announced, along with the fact that this represents approximately 90% of rockets fired from Gaza that did not malfunction or misfire.


EQUATING CRITICISM OF ISRAEL TO ANTISEMITISM

It is no coincidence that Deutch and Fleischmann attacked the sole Palestinian Democrat and one of only three Muslims in Congress. They deployed the Islamophobic trope of a uniquely Muslim antisemitism that plays into anti-Muslim tropes—every criticism of Israel is part of a conspiracy by Arabs and Muslims to physically annihilate Israel and its Jewish citizens. The effect of this trope is to silence any criticism of Israeli state practices and policies, regardless of how empirically supported or consistent with America’s professed commitment to universal human rights. Rashida Tlaib’s proclamations of her Palestinian identity also make her a frequent target of attacks. In 2019, a Fox News host alleged she had a “Hamas agenda,” intentionally referencing a group that would bring violent imagery to the minds of its audience. A few months earlier in January 2019, Republican congresspersons centered their partisan strategy on allegations that the only (and first) two Muslim women U.S. Representatives, Rashida Tlaib and Ilhan Omar, were antisemitic on account of their support for Palestinian rights and criticism of Israeli practices. This portrayal of Muslims as loyal to terrorists and presumptively antisemitic is a well-worn image that, as these examples demonstrate, inform public discourse and public policy.

Tellingly, racist tropes of dual loyalties are not attributed to Jewish members of Congress who proudly proclaim their allegiance to Israel or support Jewish human rights. To do so would rightly be antisemitic. Nor are Jewish congresspersons accused of Islamophobia if they criticize human rights abuses of Muslim-majority countries. The double standard imposed on Palestinians and Muslims in the U.S. devalues their lives and infringes on their free speech rights.

The Palestinian struggle for self-determination and human rights is depicted in the media and by American politicians as almost entirely violent; even though non-violent action has been far more prominent and consistent in their struggle. Non-violent action, however, does not garner the same attention as violence. The overwhelming majority of the news coverage Americans see of the Palestinian struggle is of the most extreme groups, while most people within and outside of Palestine pursue nonviolent means in defense of the Palestinian right to self-determination. But even non-violent means of resistance, such as the Boycott, Divestment, and Sanctions movement, are discredited as antisemitic and illegitimate. The desired result is the erasure of Palestinian experiences from public discourse on foreign policy that affects their lives, property, and rights.

Palestinians’ aspirations and pleas for redress of grievances are routinely portrayed as threatening, an extension of the sense that Muslims—which most, though far from all, Palestinians are—represent an inherent threat to Western societies in general and to Jews in particular. This Islamophobic trope infects American politics across political parties.

29 Aziz, supra note 16.
32 Id.
34 In the West Bank and Gaza Strip, approximately 95-96% of Palestinians are Muslim, the remainder being mostly Christian. In Gaza, 98-99% of Palestinians are Muslim, the remainder Christian. In both areas there is less than 1% that are identified as “other” or “unspecified.” See The World Fact Book – the Middle East, CIA (Sept. 2022), https://www.cia.gov/the-world-factbook/middle-east/.
35 In East Jerusalem, as of 2020, the Palestinian population totaled some 353,800, of whom only 4% were Christian, the remaining 96% Muslim. See Omer Yaniv et al., Jerusalem Facts and Trends 2022, JERUSALEM INST. POL’V S RCH, https://jerusalem institute.org.il/en/publications/jerusalem-facts-and-trends-2022/ (last visited July 10, 2023). Among Palestinian citizens of Israel, as of 2021, 82.9% are Muslim, 9.2% are Druze, and 7.9% are Christian. See Dr. Nasreen Haddad Haj-Yahya et al., Statistical Report on Arab Society in Israel 2021, ISRAEL DEMOCRACY GROUP, https://en.idi.org.il/articles/38540.
Islamophobia is not a mere rhetorical device that holds an ephemeral and non-specific sway over U.S. policy. To the contrary, Islamophobia is a ubiquitous ingredient in U.S. policy wherever Muslims are involved. And it is bipartisan.\(^{35}\)

Tellingly, in President George W. Bush’s address to the Israeli Knesset on May 15, 2008, marking the occasion of the 60\(^{th}\) anniversary of Israel’s independence, he defined a uniquely Muslim global enemy.

> They reserve a special hatred for the most ardent defenders of liberty, including Americans and Israelis. And that is why the founding charter of Hamas calls for the ‘elimination’ of Israel. And that is why the followers of Hezbollah chant ‘Death to Israel, Death to America!’ That is why Osama bin Laden teaches that ‘the killing of Jews and Americans is one of the biggest duties.’ And that is why the President of Iran dreams of returning the Middle East to the Middle Ages and calls for Israel to be wiped off the map.\(^{36}\)

Bush’s words echoed anti-Muslim tropes that reductively describe the world’s second largest religion of 1.8 billion followers to the political agendas of Hamas, Hezbollah, and Al Qaeda.\(^{37}\) Such specious reasoning is equivalent to recognizing the Ku Klux Klan, Proud Boys, and Oath Keepers as representative of white Christians and Western societies. Bush’s lack of nuance was intended to boost support for U.S. (and Israeli) military actions that occupy, repress, and kill Muslims and Arabs especially when they resist occupation. Professor Akan Malici concisely summarized the problem. “Whatever effort President Bush had made initially to distinguish al-Qaeda from the religion of Islam, he also engaged in so much conflation that, in effect, the distinction was rendered futile. Inevitably, the American people’s perception that al-Qaeda had many like-minded Muslim actors across the Muslim world was confirmed, as was their clash-of-civilization worldview.”\(^{38}\)

Islamophobic foreign policy continued under Barack Obama. To be sure, Obama spoke of reaching out to the Muslim world and healing the breach that was widened by Bush’s “Global War on Terror.”\(^{39}\) But other than Obama’s efforts to engage with Iran through diplomacy rather than confrontation and his conciliatory rhetoric, his national security practices did not diverge significantly from Bush. Military actions in Iraq and Afghanistan continued and, at times, intensified. Drone attacks became a prominent American practice in the Middle East and Obama’s administration was a key partner in launching and increasingly escalating the catastrophic Saudi-led war in Yemen.\(^{40}\) Consistent portrayals of Muslims as terrorists in the media and political speeches prevented questions of the legality of these national security practices to be taken seriously.\(^{41}\)

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\(^{35}\) As an example of this ubiquity in just one year, see 2021 Islamophobia In Review: United States, BRIDGE: A GEO. UNIV. INITIATIVE (Jan. 5, 2022), https://bridge.georgetown.edu/research/2021-islamophobia-in-review-united-states/.


The question of Palestine was no different. Under Obama, hopes for a diplomatic settlement between Israelis and Palestinians virtually disappeared as negotiations were largely abandoned. Yet American financial and military support for Israel reached new heights, notwithstanding that many of Israel’s most ardent supporters saw Obama as anti-Israel. Accusations that Obama was a secret Muslim played into Israeli Prime Minister Benjamin Netanyahu’s far-right, hawkish disregard for Palestinian life.\footnote{b’tSeleM, supra note 25.}

Notably, when Obama’s Secretary of State John Kerry made a last-ditch effort to save the expiring peace process in 2014, he could not understand why the Palestinians would not consider recognizing Israel as a “Jewish state,” an unprecedented demand. If granted, Israel would have pre-determined the final status issue of Palestinian refugees as well as given a stamp of approval to the marginalization of Palestinian citizens of Israel.\footnote{For a full explanation of the problematic nature of this demand, see Hill & Plutnick, supra note 31 at Ch. 1: The Right to Exist.} It would also amount to a Palestinian admission that their own dispossession by Israel’s 1948 creation and 1967 expansion was justified. Even Kerry, who was often seen as unsympathetic to Israel’s right-wing government, could not fathom a Palestinian rejection of this demand.

Jews for Palestine
PALESTINE POLICY EXCEPTION

1. ISLAM AS THE NEW GLOBAL THREAT

2. PROPPING UP A MISGUIDED “ZERO-SUM” APPROACH

3. NO ACCOUNTABILITY FOR VIOLATING PALESTINIANS’ HUMAN RIGHTS
It is an inescapable reality that the United States’ deep attachment to, and special relationship with, Israel is inseparable from its discriminatory policies toward Palestinians. This bias is often understood as a passionate attachment to Israel, whether that attachment is born of the idea of “shared values,” religious fervor, or geo-strategic thinking grounded in Orientalism.\(^{47}\) Unconditional support for Israel, often characterized as an “unbreakable bond,”\(^{48}\) depends on the idea of a Muslim Arab enemy that lies at the heart of broader U.S. Middle East policy. That is, the contrived threat of Jew-hating, savage Palestinians is a pillar of America’s unconditional support of Israel, even when Israeli state practices violate international law. Anti-Palestinian bias in U.S. policymaking is not only attributable to a zero-sum equation with favoritism toward Israel but also arises out of anti-Muslim and anti-Arab racism.

The relationship between Islamophobia and Israelophilia further illuminates U.S. policy in the Middle East. This was on full display in April 2021 when U.S. Congresswoman Betty McCollum introduced a bill in the House of Representatives intending to ensure that U.S. military aid funds to Israel were not used for the military detention, interrogation, abuse, or ill treatment of children; the bill also prohibited the use of U.S. foreign aid to be spent on the seizure, appropriation, or destruction of property, forcible transfer of civilians, or unilateral annexation of Palestinian territory.\(^{49}\) This proposed bill served the same policy objectives found in the Foreign Assistance Act, which prohibits U.S. funding to governments engaging in “gross violations of internationally recognized human rights.”\(^{50}\)

Yet McCollum’s bill was not only controversial, but also faced overwhelming bipartisan criticism and opposition, causing it to die in committee.\(^{51}\) Supporters could only celebrate the small victory of having garnered 32 co-sponsors.\(^{52}\) Demonstrating the breadth of opposition to this seemingly benign bill, Democratic Representative Ted Deutch authored a letter rejecting application of U.S. law governing foreign assistance to Israel. His letter garnered over 300 signatures in the House.\(^{53}\) Even though McCollum’s bill simply sought to protect the human rights of the most vulnerable among the occupied Palestinian population, the House unequivocally exempted Israel from U.S. law. Most notably, McCollum was not subjected to the same accusations of antisemitism as her Muslim colleagues supporting the bill.

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**Footnotes:**


51 Nadine Naber, Condemning Islamophobia While Supporting Israel is Hypocritical, CHICAGO REPORTER (Feb. 2, 2022), https://www.chicagoreporter.com/condemning-islamophobia-while-supporting-israel-is-hypocritical/.

52 H.R.2590.

After the Cold war, the anti-Soviet rationale behind America’s unconditional support of Israel no longer existed. Israeli journalist Nahum Barnea put it clearly when he remarked, “Even in the U.S. Congress some dare to say that Israel lost its former value as a major strategic asset [with the end of the Cold War]. To that the anti-Islamic campaign provides an answer…Israel will become the Western vanguard in the war against [the] Islamic enemy.” Ten years later in 2003, the late Palestinian-American scholar Naseer Aruri noted that the U.S. public “is told that Islamic activists and regimes in Iran, Iraq, the Sudan, Syria, as well as militias in Southern Lebanon and Gaza are part of a worldwide Islamic ‘threat.’”

Aruri’s observation of the political discourse in the United States reflected a widespread understanding among American policy makers that political Islam and Muslim countries represented the post-Cold War, anti-Western, and, more pointedly, anti-American bloc. The September 11, 2001, attacks fueled this perception, even though muslim majority countries condemned the terrorist acts.

Islamophobic reasoning was not confined to public perception. “Islamophobia becomes an ideological policy funnel through which international and domestic alliances and coalitions are formed whereby participants use Islam and Muslim subjectivities as the foil to array their varied political, economic and military interests,” notes Dr. Hatem Bazian. The most obvious influence of Islamophobia on U.S. policy, especially among conservatives, is the prominence of the false narrative of a “clash of civilizations” between the West and Islam as popularized by Samuel Huntington. In U.S. policy toward Palestine, Islamophobia plays an outsized role. The conflict between Palestinians and Israelis is rooted in a settler-colonial project by Europeans and the concomitant resistance of the indigenous, but it is erroneously portrayed as a conflict between Judaism and Islam. Distrust of Muslims and presumptions that they are antisemitic are integral to Americans’ exceptional attitude toward Palestine.

In contrast to foreign policy toward U.S. allies Saudi Arabia, Egypt, or the United Arab Emirates (UAE), Israel is granted a heightened favorable status because it is portrayed as a model of democracy in an authoritarian region. Yet the very existence of Israel’s occupation of the West Bank and the ongoing siege on the Gaza Strip are constant contradictions of this image of Israel as a democratic nation, and, paradoxically, the basis of the “special relationship” between the U.S. and Israel—one increasingly strained by the rise of right-wing Israeli nationalist parties committed to expelling Palestinians from the West.

55 Id.
56 Even in places where animosity to the U.S. is high, like Iran and Gaza, there was strong condemnation for the attacks and empathy expressed for Americans. See Islamic World Deplores US Losses, BBC NEWS (Sept. 14, 2001), http://news.bbc.co.uk/1/hi/world/americas/1544955.stm.
60 See LAMONT HILL & PLITNICK, supra note 31.
Negating a legitimate Palestinian connection and claim to the land in question, a sizable number of American politicians allege Palestinians (and their human rights supporters) are motivated not by a desire for self-determination but rather by hatred toward Jews. Israel and Palestine, in this framework, become a zero-sum game. Every step toward Palestinian rights is understood as a loss or “concession” for Israel, and more specifically for world Jewry.

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For decades, the United States has facilitated the specious reasoning advanced by right-wing Zionists that the conflict between Palestinians and Israel is a zero-sum game.\(^{64}\) This is not an inevitable outcome, however. Two national communities—Zionist Jews and Palestinian Arabs—feel a passionate attachment to the same, small piece of land. Granting Israeli claims over historical Palestine more weight allows one group, mostly European and American settler Israelis, to claim superior status—and, as a result, to denigrate, dispossess, and subjugate the indigenous Palestinians. The recognition of an Israeli claim to superiority is implicit in virtually all of U.S. policy toward Palestine.

As Palestinian-American scholar Noura Erakat observed, “Had Jews merely wanted to live in Palestine, this would not have been a problem. In fact, Jews, Muslims and Christians had coexisted for centuries throughout the Middle East. But Zionists sought sovereignty over a land where other people lived. Their ambitions required not only the dispossession and removal of Palestinians in 1948 but also their forced exile, juridical erasure, and denial that they ever existed.”\(^{65}\)

Israeli historian Benny Morris, justifying the expulsion of Palestinians in 1948, came to the same conclusion. “It is impossible to evade it. Without the uprooting of the Palestinians, a Jewish state would not have arisen here,” he told the Israeli daily Haaretz in 2004, with no regrets.\(^{66}\) The issue is not whether Jews have a cultural, historical, and religious Jewish connection to the land in question, or whether it is called Israel or Palestine. Rather, it is a claim to an exclusive Jewish connection which marginalizes and creates a threat out of Palestinians whose ancestors have been on that land for generations.\(^{67}\)

Predictably, Israel’s othering of Palestinians has led to their demonization in U.S. media, exponentially magnified by conflict. As the Palestinian population under occupation grew, Israel and its supporters expressed fears of Palestinians outnumbering Jews in the total area of Israel, the West Bank, and the Gaza Strip. After 2010, a great deal of Israeli consternation focused on the so-called “demographic threat,” sometimes called the “demographic time bomb.”\(^{68}\)

Terminology here is telling. The birth of Palestinian babies is framed as a threat, even a violent one, to Israel’s existence. The frequency with which Israeli politicians and media use the phrase “demographic time bomb” demonstrates its influence on policy consideration.\(^{69}\)

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\(^{67}\) Erakat, supra note 65 .


Anti-Palestinian racism has also become so ingrained and commonplace in U.S. political discourse that it sometimes passes as common sense in typically liberal spaces. Putatively left-of-center Senator Elizabeth Warren once used an iteration of the “demographic time bomb” euphemism on the progressive, pro-Democratic Party podcast Pod Save America with little fanfare or attention. During a discussion regarding the failure of the two-state solution, the Massachusetts politician said: “[T]he way I see what you’re talking about is we have pushed it this far under the Obama administration and now Trump has completely reversed it. I don’t therefore draw the conclusion that what happened under the Obama administration was never going to work, that you couldn’t keep pushing harder because over time realities are bearing down on Israel, demographic realities, births and deaths. What the region looks like.”

Moreover, this distinctly anti-Palestinian framing of a “demographic time bomb” casts the very existence of Palestinians as a danger to Israel. The history of the land called Palestine and Israel encompasses millennia, encompassing a wide variety of cultures, faiths, tribes, and peoples. Jews have a significant place in that history, but far from an exclusive one.

This view of a superior Jewish claim and, by extension, superior Jewish rights in historic Palestine found its full expression in the “Nation State Law” adopted by Israel in 2018. As a Basic Law, the Nation State Law has equal status to a constitutional rule. The law declares that only the Jewish people may exercise national rights in Israel and, crucially, that the state is obliged to support Jewish, and only Jewish, settlement throughout the “land of Israel,” including in the occupied West Bank.

The Nation State Law also demoted Arabic from an official state language to one with “special status,” notwithstanding that twenty-one percent of Israeli citizens are Palestinian. In presenting the bill that would eventually become a Basic Law, Knesset Member Amir Ohana said, “It is the most important law in the history of the State of Israel, which says that everyone has human rights, but national rights in Israel belong only to the Jewish people. That is the founding principle on which the state was established.”

The Nation State Law was enshrined with no protest from the United States government, even though many American Jews—including groups that have never shown sympathy for the Palestinians—voiced their objections to it. The American Jewish Committee, for instance, said the bill, “…put at risk the commitment of Israel’s founders to build a country that is both Jewish and democratic.” The Anti-Defamation League said that “…there are problematic elements that might lead some to question [Israel’s] commitment to pluralism.” Nor did the U.S. government’s silence break when a more liberal administration under Joe Biden succeeded Donald Trump’s. Instead, the United States, as a matter of bipartisan policy, often repeats that it supports Israel as a “Jewish and democratic state.” Never mind the fundamental contradiction between democracy and ethnonationalism in a country with a sizable non-Jewish minority, not to mention the occupation of five million stateless Palestinians.

71 Id.
72 See Masalha, supra note 66.
As Professor Shibley Telhami frames it, “States often define themselves in ethno-religious nationalist terms; as a Jewish state, Israel is not an exception in that way... Historically, the United States has backed non-democracies, even ruthless dictatorships, for reasons of expediency, and has accepted ethno-nationalist states in the context of conflict-resolution arrangements... But there is no case except Israel’s in which the United States specifically and actively advocates for a form of an ethno-nationalist state that discounts a large portion of its population and demands that others do the same.”

Telhami contends that this unique advocacy of Israel’s self-definition is “present across the American political spectrum” and has “emboldened Jewish supremacy in Israel.”

The Nation State Law, by its own wording, further denigrates Palestinians living under Israeli military occupation as well as those who have residency or citizenship in Israel.

“For decades, the United States has facilitated the specious reasoning advanced by right-wing Zionists that the conflict between Palestinians and Israel is a zero-sum game. This is not an inevitable outcome.”

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81 Id. For more analysis on the contradictions between Israeli law and claims that Israel is the only democracy in the Middle East, see Michael Barnett et al., The One State Reality: What is Palestine/Israel?, Cornell Univ. Press (2023).

The exceptional treatment afforded Israel by the United States exists in symbiotic harmony with the concomitant exceptional discrimination against Palestinians. The Palestine exception pervades all aspects of U.S. foreign policy. For instance, to date, Israel has received a total of $158 billion (current, or non-inflation-adjusted, dollars) in bilateral assistance and missile defense funding from the United States. Since 2001, Israel has received more foreign military financing (FMF) from the United States than the rest of the world combined. That aid is given almost entirely without end-use monitoring, a privilege no other country enjoys. Under a ten-year memorandum of understanding (MOU) agreed to by Barack Obama in the waning days of his presidency, Israel will receive $3.8 billion annually through 2028. In stark contrast, U.S. aid to Palestinians is below $500 million per year with numerous conditions.

Despite warnings by human rights advocates, the United States refuses to monitor the use of the weapons it sells to Israel—paid for by American taxpayers. Nor does it ensure that the use of those weapons is consistent with United States or international law. As a result, Israel violates Palestinian human rights with impunity. While human rights violations are not uniquely experienced by Palestinians, the outright hostility to any debate on the matter is exceptional. Meanwhile, Arab countries receiving U.S. foreign aid are frequently, and rightly, subject to criticism by Congress for their human rights violations.

In 2020, for the first time in decades, the question of Israel’s use of military aid was raised in the presidential campaign. Several candidates, most notably Senator Bernie Sanders of Vermont, stated that aid to Israel should, like aid to all other countries, be conditioned on Israel’s use of that aid in adherence to human rights laws. This seemingly benign position invited an ambush of allegations that Sanders was a self-loathing...
Jew. As Khaled Elgindy put it, “In practical terms, Israel’s exceptionalism extends to almost every aspect of the U.S.-Israel ‘special relationship’ — from its unmatched (and unconditional) $3.8 billion military aid package to the unwavering commitments by both Democratic and Republican administrations to provide political and diplomatic cover to Israel in international forums. It has even entered the U.S. domestic sphere, most notably in the effort to quash BDS (the movement for boycott of, divestment from, and sanctions on Israel until it recognizes and engages full Palestinian rights) and other speech critical of Israel or Zionism.”

Legislation against BDS has been passed in 35 states as of April 2023 and considered by Congress, with no regard for free speech rights. Most of the laws stop short of making boycotts against, or divestment from, Israel illegal. Instead, they are either declarative statements criticizing businesses that participate in BDS — intended to cause financial harm—or they bar the state from trading with such businesses. The consequent stigma discourages many businesses and individuals from even speaking out against Israeli violations of Palestinian human rights.

The same state-by-state strategy was adopted by a network of Islamophobic organizations and legislators seeking to pass so-called Anti-Sharia bills. The coordination between Islamophobic and anti-Palestinian Zionists illuminates the convergence of Islamophobia with the Palestine exception to free speech and human rights. In fact, some of the most fervent and prominent Zionist and pro-Israel organizations are steeped in Islamophobia.

Christians United for Israel is the largest pro-Israel organization in the U.S., with upwards of seven million members. CUFI was founded and is chaired by Rev. John C. Hagee, widely considered one of the leading purveyors of Islamophobia in the country. Hagee has preached that the U.S. is “at war with radical Islam,” often uses the Islamophobic term “Islamofascist” and insists that Islam is “not peaceful.” In 2008, Hagee caused an uproar when he claimed the Holocaust and Hitler were part of God’s plan to create Israel by chasing Jews out of Europe and relocating them to historical Palestine — earning a rebuke from then presidential candidate John McCain. The preacher’s antisemitism in that case was soon enough explained away as it was in service of Zionism. In June 2018, Hagee was back in vogue and the good graces of the Republican Party — though arguably he never really left — he was one of two pastors invited to bless the opening of the U.S. embassy in Jerusalem.

100 Chrissy Stroop, America’s Islamophobia Is Forged at the Pulpit, Foreign Policy, (March 26, 2019), https://foreignpolicy.com/2019/03/26/americas-islamophobia-is-forged-in-the-pulpit/.
Democratic Majority for Israel is a pro-Israel advocacy organization founded in 2019—in direct response to polling showing Democrats and younger Americans drifting away from Israel.\textsuperscript{105} It has quickly established itself as one of the leading voices of the Israel Lobby. The group's founder, Mark Mellman, a prominent Democratic Party pollster, described the impetus behind DMFI in the following terms: “There are a few discordant voices, but we want to make sure that what’s a very small problem doesn’t metastasize into a bigger problem.”\textsuperscript{106} DMFI’s foundational purpose thus evokes a metaphor that casts opposition to Zionism and Israeli apartheid — and support for Palestinian human rights — as a sort of cancer to be rooted out from within burgeoning segments of American life and the Democratic Party coalition.

In the 2020 and 2022 election cycles, DMFI, by way of its associated political action committee and super PAC, spent in excess of $15 million supporting pro-Israel candidates.\textsuperscript{107} The single-most prominent source of the group’s largesse\textsuperscript{108} is Stacy Schusterman, the heir to the Samson Resources fortune and the founder, chair, and CEO of Samson Energy – one of the largest per-well emitters of greenhouse gas emissions in the world.\textsuperscript{109} In the past two election cycles, Schusterman has contributed well over $4 million to DMFI.\textsuperscript{110}

Schusterman also sits on the AIPAC National Council and serves on the board of directors of the Charles and Lynn Schusterman Family Foundation, which according to the International Jewish Anti-Zionist network funds “a range of other Islamophobic organizations that contribute to a climate where Zionism, anti-Muslim and anti-Arab sentiment are seen as pervasive and acceptable.”\textsuperscript{111} Her family’s namesake charitable organization has donated to the Middle East Media Research Institute (MEMRI), a neoconservative and Islamophobic press monitor which has frequently come under fire for selective, biased, incomplete, and inaccurate translations of media from the Arab and Muslim world.\textsuperscript{112} The Schusterman Family Foundation has also donated significant amounts of money to the Central Fund of Israel,\textsuperscript{113} a group that channels funding to the illegal Israeli regime of settlements in the West Bank\textsuperscript{114} and which has donated to a prominent Israeli religious indoctrination school where a cleric infamously preached that it is acceptable to murder Palestinian babies.\textsuperscript{115} Additionally, the Central Fund has directed donations to a group that helped evict Palestinians from the Sheikh Jarrah neighborhood of East Jerusalem.\textsuperscript{116}

\textsuperscript{106} Id.
\textsuperscript{108} Id.
\textsuperscript{110} Id.
\textsuperscript{113} Stephanie Skora, Pride With Prejudice: Exposing A Wider Bridge’s Right-Wing Funding, Stephanie Skora (February 2019) https://www.stephanieskora.com/reporting.
\textsuperscript{116} Alex Kane, Tax-exempt U.S. Nonprofits Fuel Israeli Settler Push To Evict Palestinians, The Intercept (May 14, 2021), https://theintercept.com/2021/05/14/israel-settler-evictions-jerusalem-nonprofits/.
The Schusterman money trough\textsuperscript{117} has also been used to fund the Foundation for the Defense of Democracies (FDD), a far-right, pro-militaristic think tank and Israel Lobby arm that has been described as the successor to the Project for a New American Century\textsuperscript{118} and whose CEO actively worked to undermine Barack Obama’s Iran nuclear deal.\textsuperscript{119} The FDD has been described by Duke University Professor Christopher A. Bail as an “anti-Muslim fringe organization” that takes great pains to cloak its fundamentally Islamophobic nature.\textsuperscript{120} Another scholar, Dr. Sarah Marusek, a research associate at the University of Johannesburg, has identified the FDD as one of the 10 “key” U.S.-based organizations responsible for “promoting” and “peddling Islamophobia.”\textsuperscript{121}


\textsuperscript{118} Jeffrey Blankfort, Takes on the World (Oct. 26, 2011), http://www.radio4all.net/files/jblankfort@earthlink.net/1752-1-totw102611newsoptions.mp3.


\textsuperscript{121} Focusing on funding sources from publicly-accessible tax filings, the author notes: “While there are many other groups in the US promoting Islamophobia, we focus primarily on these ten organisations as the most active and influential in the media and in policy debates.” Sarah Marusek, The Transatlantic Network: Funding Islamophobia and Israeli Settlements, in Massoumi, Narzanin; Mills, Tom; Miller David (eds.), What is Islamophobia?, Pluto Press (2017), at 189-206.
INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE

- Martin Luther King Jr.
THE ISLAMOPHOBIA NETWORK

1. Key Individuals and Organizations

2. The Islamophobic Network Propagates Anti-Palestinian Racism

3. The Islamophobic Anti-Palestinian Network in the Media

4. Islamophobia’s Influence on Politics
While the role of antisemitism in the discourse around Palestine and Israel is exploited by multiple parties, the influence of Islamophobia on that discourse is under-researched. Specifically, Islamophobia is weaponized to deny Palestinians recognition of their civil, human, and national rights while upholding the consistent partiality of U.S. policy in favor of Israel.

An Islamophobic network of organizations and demagogues, many of whom are also right-wing Zionists, propagate Islamophobic tropes that Muslims and Arabs are presumptively antisemitic, especially those who defend Palestinians’ human rights. This racist trope has become so pervasive that even some of Israel’s more liberal supporters have publicly condemned it. For example, the pro-Israel, pro-peace process group J Street criticized the Islamophobic and staunchly pro-Israel Center for Security Policy (CSP), saying it was an “an organization that traffics in repulsive Islamophobia and has been designated as a hate group by the Southern Poverty Law Center.” Tellingly, CSP worked closely with Trump’s top advisors to implement the Muslim Ban, among other racist policies.

Building on the ubiquitous anti-Muslim media coverage during the “Global War on Terror,” a network of organizations maligned American Muslims as invaders conspiring to impose Islamic Law (Sharia) on all Americans. The solution, they argued, was to pass the American Public Policy Alliance’s model legislation which it called “American Laws for American Courts (ALAC).” Consequently, the Society of Americans for National Existence (SANE) and the American Freedom Law Center began work in 2010 to use this model as proposed bills in state legislatures across the country. The lead drafter, David Yerushalmi, is described by the Southern Poverty Law Center as “a key figure in the U.S. anti-Muslim hate movement.” Yerushalmi admitted that the purpose of the bills “was heuristic — to get people asking this question, ‘What is Shariah?,’” and in turn to cast suspicion on Muslims’ motivations for living in the U.S.

Yerushalmi and his organizations were one part of an “Islamophobia industry [that] shaped public policy and government action affecting Muslims in America and U.S. foreign policy in Muslim-majority countries.” Yerushalmi, through SANE, managed to introduce versions of his model legislation 216 times in at least 43 states. Fourteen laws were enacted as of 2018, but the 200 failed bills still accomplished their real purpose: instilling fear of Islam and Muslims in America. This was not the first, nor the only, attempt to politically marginalize Muslims.


123 Hilary Aked, The Undeniable Overlap: Right-Wing Zionism And Islamophobia, OPEN DEMOCRACY (Sept. 29, 2015), https://www.opendemocracy.net/en/undeniable-overlap-right-wing-zionism-and-islamophobia/ (listing the groups and foundations that funded both Islamophobic projects and Zionist projects during roughly the same period).


128 Aziz, supra note 16 at 148-152.

129 Id. See also Carlo A. Pedrioli, Constructing the Other: U.S. Muslims, Anti-Sharia Law, and the Constitutional Consequences of Volatile Intercultural Rhetoric, 22 S. CAL. INTERDISCIPLINARY L. J. 65 (2012).

130 See Shanmugasundaram, supra note 127.
The Islamophobia industry encompasses a variety of non-governmental organizations, think tanks, and lobbying groups.131 These include the David Horowitz Freedom Center, the Middle East Forum, Center for Security Policy, Counterterrorism and Security Education & Research Foundation, Investigative Project on Terrorism, Society of Americans for National Existence, Jihad Watch, American Congress for Truth, the American Islamic Forum for Democracy, and the Foundation for the Defense of Democracies. Some of these organizations are overtly Islamophobic while others are intentionally more subtle in casting suspicions on Muslims. Many of their leaders were highly influential within the Trump administration.

This Islamophobia network is well-funded and growing. In a 2011 report, the Center for American Progress listed the top eight charitable foundations that funded Islamophobic organizations and reported they had contributed $42.6 million between 2001 and 2009.132 By 2021, the Council on American-Islamic Relations (CAIR) found that 26 Islamophobic organizations had received over $105 million between 2017 and 2019.133

Such massive amounts of money support a wide array of projects aimed at vilifying Muslims and politically penalizing advocacy for Palestinian human rights. Some of these groups work directly with the Israeli government or in the United States to vilify Palestinians.134 One example is Jihad Watch, a project headed by Robert Spencer, a man who explicitly states his goal of fomenting hatred of Muslims. In his 2017 memoir, Spencer wrote, “There are, in short, very good reasons to be an Islamophobe, that is, to be concerned about Islam for the devastation that it brings into the lives of human beings both Muslim and non-Muslim.”135 Jihad Watch has, in recent years, expanded from a blog to a wider-ranging, right-wing propaganda and news site. Spencer’s biography at Jihad Watch notes that, “Spencer has led seminars on Islam and jihad for the FBI, the United States Central Command, United States Army Command and General Staff College, the U.S. Army’s Asymmetric Warfare Group, the Joint Terrorism Task Force (JTTF), the Justice Department’s Anti-Terrorism Advisory Council and the U.S. intelligence community. He has discussed jihad, Islam, and terrorism at a workshop sponsored by the U.S. State Department and the German Foreign Ministry.”136

The Southern Poverty Law Center describes Spencer as “one of the most prolific anti-Muslim figures in the United States... he insists, despite his lack of academic training in Islam, that the religion is inherently violent and that extremists who commit acts of terror are simply following its most authentic version.” 137

In 2017, Spencer wrote, “At some point, Western officials are going to have to face the contents of Islamic teaching and recognize that bringing large numbers of Muslims into the West is only going to increase the number of beheadings and exhortations to kill Jews, as both those things are taught in Islamic texts.” 138

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132 The eight foundations are: Donors Capital Fund/Donors Trust; Scaife Foundation; William Rosenwald Family Foundation/Middle Road Foundation/Abstraction Fund; Lynde and Harry Bradley Foundation; Russell Berrie Foundation; Newton D. and Rochelle F. Becker Foundation and Charitable Trust; Fairbrook Foundation; Alan and Hope Winters Family Foundation. See Ali, supra note 131.


137 S. POVERTY L. CTR., supra note 135.

In addition to conducting seminars for U.S. military and intelligence audiences, Spencer has written in a variety of news and media outlets, appeared on numerous television, radio, and internet programs, and spoken at dozens of universities. He also wrote an entire book demonizing the Palestinians, The Palestinian Delusion.139 The book's promotional materials state that “The Palestinian Delusion is unique in situating the Israeli/Palestinian conflict within the context of the global jihad.” The intent to connect Islamophobic tropes of Muslims as terrorists with hatred for Palestinians could not be clearer. Spencer was a favorite “expert” of Donald Trump's chief political strategist, Steve Bannon.140 He has praised Spencer and called Jihad Watch a “go-to site.”141

Another recipient of substantial amounts of the Islamophobia network's funding is Daniel Pipes, head of the Middle East Forum (MEF). As far back as 1990, Pipes wrote, “Western European societies are unprepared for the massive immigration of brown-skinned peoples cooking strange foods and maintaining different standards of hygiene.”142 Pipes has only deepened his xenophobic views in the intervening years. In 2017, Pipes proclaimed that Muslim refugees in Europe will bring about “The replacement of European civilization with Islamic civilization,” mirroring the “Great Replacement Theory” propagated by American white supremacist organizations.143

The MEF, under Pipes’ direction, sponsors multiple projects and activities that smear and attack Muslims and Arabs who speak or write critically on Israeli state practices. These include, among others:

- **Campus Watch** which claims that it “reviews and critiques Middle East studies in North America, with an aim to improving them,”144 but in practice excoriates scholars who do not hold to MEF’s views on the Middle East, which mostly center on unconditional support for Israel and a profound prejudice against Muslims.

- **Islamist Watch** claims it “combats nonviolent Islamism in the West on the premise that while violent jihad gets headlines, nonviolent jihad — in the media, courts, prisons, and ballot box — gets results.”

- **The Washington Project** “monitors and influences U.S. policy in the Middle East with a special interest in Iran and Israel.” It works to lobby the U.S. government to adopt policies such as redefining Palestinian refugees, and, in tandem with The Israel Victory Project to orient U.S. policy toward backing an Israeli victory over the Palestinians rather than seek a compromise or diplomatic agreement.

Other organizations that propagate Islamophobia and anti-Palestinian racism include:

- **Investigative project on Terrorism**, led by Steven Emerson, claims to “provide briefings to U.S. government and law enforcement agencies, members of Congress and congressional committees, and print and electronic media on terrorist financing and operational networks of Al Qaeda, Hamas, Hezbollah, Islamic Jihad, and the rest of the worldwide Islamic militant spectrum.”145

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144 [About Campus Watch, Middle E. F.](https://www.meforum.org/campus-watch/about) (last visited July 10, 2023).
145 [Steve Emerson, Biography, PUNDITV](https://www.steveemerson.com/about/)
• **Center for Security Policy (CSP)**, led by Frank Gaffney, claims it works to “secure America’s founding principles and freedom through forthright national security analysis and policy solutions.” CSP has been a central source for anti-Muslim conspiracy theories that Muslims are infiltrating the U.S. government and of “creeping sharia.” Gaffney is sufficiently noxious that the Conservative Political Action Conference (CPAC) banned him, although he maintains relationships with mainstream political allies, including lawmakers, according to the Southern Poverty Law Center. Gaffney was also an advisor to the failed 2016 presidential campaign of Sen. Ted Cruz (R-TX). In 2017, Gaffney described Muslims as follows: “They essentially, like termites, hollow out the structure of the civil society and other institutions for the purpose of creating conditions under which the jihad will succeed.”

• **ACT for America**, led by Brigitte Gabriel, claims to “educate, engage, train, and mobilize citizens to ensure the safety and security of Americans against all threats foreign and domestic while preserving civil liberties guaranteed by the US Constitution.” In a 2007 speech, Gabriel stated, “The difference, my friends, between Israel and the Arabic world is quite simply the difference between civilization and barbarism. It’s the difference between good and evil, and this is what we’re witnessing in the Arab and Islamic world. I am angry. They have no soul! They are dead set on killing and destruction.” ACT for America played a central role in the controversy over the construction of a Mosque in downtown Manhattan, not far from where the World Trade Center stood. The organization used the media attention to launch their first anti-Muslim national conference in 2010. In her 2018 book, Gabriel writes, “Unless the West wakes up to the fact that their culture and way of life is eroding through immigration from the Islamic world, the values of the Islamic world will soon overtake us.” Her staunch support for Israel is also grounded in Islamophobic and anti-Palestinians tropes.

• **Zionist Organization of America (ZOA)**, led by Morton Klein, has supported white nationalist leader Steve Bannon and hosted him as featured speaker at their gala dinner in 2016. The ZOA attacked Donald Trump’s national security adviser, H.R. McMaster, for removing advisors with Islamophobic biases from their positions in 2017.

These organizations, along with others, foment hatred of Muslims and Palestinians among policy makers and the American public.

An Islamophobia network of organizations and demagogues seek to criminalize Islam by propagating Islamophobic tropes that Muslims are presumptively antisemitic, especially those who defend Palestinians’ human rights.”
The Islamophobic Network Propagates Anti-Palestinian Racism

Organizations that propagate anti-Muslim hate often seek to also spread anti-Palestinian prejudice. For example, in 2021 the Center for Security Policy published a series of articles calling for the continued withholding of aid for Palestinian refugees who depended on it. CSP made unfounded allegations that “Palestinian gangs” were assaulting Jews in the United States along with other “violent, pro-Palestinian attacks,” and alleged, without evidence, that Students for Justice in Palestine was affiliated with Hamas. These were only a few of CSP’s articles in 2021 intended to demonize Palestinians.

Likewise, Steven Emerson of the Investigative Project on Terrorism has frequently been accused of spreading Islamophobia, and in January 2022, evidence was made public of his working with Israel to spy on the Council on American-Islamic Relations (CAIR). In 2010, he criticized President Barack Obama for displaying concern about Palestinians in Gaza, claiming the President had “joined the world Hamas lobby—Islamic and European countries—in piling on Israel for creating such a humanitarian mess in Gaza, which in reality does not exist.”

The Zionist Organization of America has repeatedly issued statements implying that support for Palestinian rights is antisemitic. On December 31, 2021, in the wake of Archbishop Desmond Tutu’s death, Morton Klein tweeted, “Desmond Tutu was a human rights advocate for all non-Jews. Toward Jews he was a hater and antisemitic bigot as well as a hater of the Jewish State of Israel. He repeatedly made ugly false allegations against Jews and the Jewish State. He even personally ‘forgave’ the Nazis.” Klein also called for a Jewish woman to be stripped of her appointment as communications director for the comptroller of New York City because, in a prior position, she had vociferously advocated for Palestinian rights and was “a friend of Jewhater (sic) Linda Sarsour,” a Palestinian-American activist.

The most prominent organization working to thwart the rights and freedoms of Palestinians is the American Israel Public Affairs Committee (AIPAC). Although not directly connected with the Islamophobia network, it is the most influential nongovernmental organization in the formation of U.S. policy toward Palestine and Israel. AIPAC has often claimed to support a two-state solution to end Israel’s occupation of the West Bank.

156 See Frank Gaffney, Jr., We Must Not Reward Palestinian Attacks on Israel, CTR FOR SEC. POL’Y: SECURE FREEDOM MINUTE (June 2, 2021), https://centerforsecuritypolicy.org/we-must-not-reward-palestinian-attacks-on-israel/.
158 For Emerson’s history of Islamophobia, including against Palestinians, see Steven Emerson, MILITARIST MONITOR (Jan. 15, 2015), https://militarist-monitor.org/profile/steven-emerson/.
159 For the specific accusations from CAIR in 2022, see Michelle Boorstein & Hannah Allam, A Cryptic Email, Then a Confession: How a Muslim Group Uncovered Moles, WASH. POST (Jan. 12, 2022), https://www.washingtonpost.com/religion/2022/01/12/cair-islam-muslims-surveillance-ohio-romin-ibqal-dar-al-hijrah-tariq-nelson/.
163 Before the 2022 election cycle, AIPAC, as a tax-deductible, charitable organization organized under 501(c)3 tax regulations, was not permitted to engage in campaign financing, and did not do so. Its name gives a different impression, but the “PAC” in that name stands for “Public Affairs Committee,” rather than “political action committee,” which describes campaign financing PACs. When this changed in 2022, as described at Alexander Sammon, AIPAC Has Taken Over the Democratic Primary Process, AM. PROSP. (July 14, 2022), https://prospect.org/politics/aipac-has-taken-over-the-democratic-primary-process/, its new SuperPACS, AIPAC PAC and “United Democracy Project” immediately became a major force in financing campaigns against candidates who had expressed concern about the United States’ policies toward Israel. See Julia Conley, AIPAC Super PAC Funnels Millions in Dark Money to Attack Progressive Candidates in Democratic Races, SALON (July 17, 2022), https://www.salon.com/2022/05/17/aipac-super-pac-funnels-millions-in-dark-money-to-progressive-candidates-in-democratic-races_partner/.

But AIPAC had, for decades, been recognized as a major force in lobbying for hawkish policies toward Israel, the Palestinians, and any other countries of concern to the Israeli government. This was carried out through public, pro-Israel campaigning; nationally organized lobbying efforts that included paid lobbyists as well as trained volunteers; and analyses of candidates’ or incumbents’ records on Israel, which directed political action committee funds toward AIPAC-approved candidates. For descriptions of these processes, see M.J. Rosenberg, This Is How AIPAC Really Works, NATION (Feb. 14, 2019), https://www.thenation.com/article/archive/aipac-omar-israel-congress-anti-semitism/; Ryan Grim, Pro-Israel Lobby Caught On Tape Boosting That Its Money Influences Washington, INTERCEPT (Feb. 11, 2019), https://theintercept.com/2019/02/11/silhan-omar-israel-lobby-documentary/; Plitnick & Toensing, supra note 47; Mearsheimer & Walt, supra note 3; J. J. Goldberg, JEWISH POWER: INSIDE THE AMERICAN JEWISH ESTABLISHMENT, ADDISON-WESLEY (1996); Edward Tymon, THE LOBBY: JEWISH POLITICAL POWER AND AMERICAN FOREIGN POLICY, SIMON AND SCHUSTER (1987).
and its siege on the Gaza Strip even as it simultaneously supports repressive policies. Specifically, AIPAC defends impunity for Israeli expansion of settlements, accepts settlements as part of Israel and therefore subject to all the same protections the United States offers Israel within its internationally recognized borders, and declares Jerusalem as the “eternal, undivided capital of Israel.

Overlapping funders of AIPAC and the Islamophobia network demonstrate the increasing influence of Islamophobia in legitimizing the dehumanization of Palestinians. For example, prominent funders of AIPAC over the years have included Nina Rosenwald, who also founded the right-wing Gatestone Institute. NBC News has characterized Gatestone as an “anti-Muslim think tank.” It is widely recognized as a purveyor of Islamophobia. Rosenwald, who once served as a Democratic Party delegate and activist, is a former AIPAC board member, and a former member of the board of Daniel Pipes’ Middle East Forum.

Adam Milstein, another major funder of AIPAC, was forced to withdraw from speaking at AIPAC’s 2019 conference after calling Representative Ilhan Omar “a terrorist” and questioning the loyalty of the United States of Palestinian-American Representative Rashida Tlaib. It was not the first time Milstein had indulged in Islamophobic rhetoric against prominent figures who are also people of color. He previously “scoffed at President Barack Obama’s declaration that Islam is a ‘religion of peace,’ accused Obama of ‘cuddling up to Islam,’ and said the President wanted to destroy America.” AIPAC also listed Daniel Pipes as an “adjunct scholar” and consulted with Frank Gaffney as a “military expert.”


AIPAC’s more explicit turn towards Islamophobia in recent years has come as pro-Palestinian voices have become more prominent generally, and, particularly, as the Democratic Party’s base has become more and more sympathetic to the plight of the Palestinians. Various polls, from various polling organizations, since 2021 have successively and increasingly shown this shift in allegiances. As Democrats and young Americans have moved away from Israel, Zionist advocacy has grown increasingly desperate, ugly, and more outwardly racist and Islamophobic.


Alex Kane, Right-Wing Donor Adam Milstein has Spent Millions of Dollars to Stifle the BDS Movement and Attack Critics of Israeli Policy, THE INTERCEPT (Mar. 25, 2019), https://theintercept.com/2019/03/25/adam-milstein-israel-bds/.


Id id.
Thus, it is hardly surprising that in 2021 AIPAC published a political ad defaming Rep. Omar as a “terrorist” for asking Secretary of State Antony Blinken whether international law protecting civilians should apply to all governments and armed groups equally, including the United States and Israel. When a broad spectrum of Jewish groups published an open letter calling on AIPAC to retract its statements, which generated renewed death threats against the congresswoman, who is a Somali refugee and the only Muslim in Congress to wear a hijab, AIPAC doubled down. Even staunch congressional allies of AIPAC such as House Majority Leader Steny Hoyer and Speaker Nancy Pelosi criticized the lobbying group for its incendiary rhetoric. Hoyer stated “I disagree with the statements made by the members, but attacking them in ads does not advance the goal of increasing support for Israel,” while Pelosi said, “I don’t agree with Congresswoman Omar’s comments, but it’s very disappointing to see deeply cynical and inflammatory ads twisting her words.”

To be sure, not all pro-Israel voices in Washington are motivated by Islamophobia. Prominent pro-Israel groups like J Street, Americans for Peace Now, Ameinu, and Partners for a Progressive Israel work tirelessly for what they see as Israel’s interests, which include, in their view, an equitable end to Israeli occupation and dispossession of Palestinians.

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176 Id.

J Street directly called out the Center for Security Policy (CSP) for being Islamophobic, demanding that then-Israeli Ambassador to the United States Ron Dermer reject an award he was given by CSP.178 Similarly, Americans for Peace Now campaigned in support of the Combating Islamophobia Act in 2021.179 Other liberal, pro-Israel organizations have also included Islamophobia as a form of bigotry that they oppose and must be combatted.180 Although fighting Islamophobia is not their top priority, these groups acknowledge its pervasive presence. However, liberal Zionist organizations are not the loudest voices on Capitol Hill, and their funding and influence is not remotely comparable to the voices that are part of, or connected to, the Islamophobia Network.181

Another effective strategy for distorting the lens through which policymakers interpret Israeli and Palestinians’ actions is dominating media coverage to exclude Palestinian voices.

“"A 2019 study of over 100,000 headlines in major U.S. newspapers found over four times more Israeli centric headlines than Palestinian ones and that coverage around the issue spikes during periods of escalated violence.""
Stereotypes of Muslims, and especially Palestinians, as inherently violent and presumptively antisemitic are augmented by Islamophobic punditry and editorial framing in mainstream media. For example, on September 24, 2021, the Minneapolis Star-Tribune reprinted a column by Bret Stephens, the conservative opinion writer for the New York Times. Stephens’ piece was sharply critical of several members of the House of Representatives for voting against additional funding for Israel to replenish the anti-missile rockets it used in its siege on Gaza in May.\(^\text{182}\)

The Minneapolis Star-Tribune changed the Times' headline. The original, “A Foul Play by Progressives Over Israel’s Iron Dome,” summed up Stephens’ argument. But the Star-Tribune changed it to the more controversial headline, “Omar, ‘squad,’ launch another anti-Israel strike.”\(^\text{183}\) While it is reasonable to argue that the Minneapolis headline singled out Rep. Omar because she represents a local district, the violent language associated with one of two Muslims involved in the controversy was widely seen as demonizing Muslims.

A group of Minnesota citizens wrote a letter rebuking the Star-Tribune. They stated, “We do not feel it is necessary to explain why this represents a clear example of deeply seated racism and Islamophobia among the decision-makers at the paper. We do feel it is necessary to make clear that headlines like this increase threats of violence to Rep. Omar, her Muslim colleagues in Congress, and to the other women of color in elected office who are so often the targets of far-right racism, hatred, and violence.”\(^\text{184}\)

The editorial board of the Minneapolis Star-Tribune was not accused of any connection to anti-Muslim organizations. Yet, Rep. Omar noted that the paper “regularly uses Islamophobic and racist language in their coverage of communities of color.”\(^\text{185}\) Such irresponsible journalism has put Muslims at risk of harassment, intimidation, and death threats.\(^\text{186}\)

In some cases, the media explicitly parrots Islamophobic messages. The late Pat Robertson, whose extant Christian Broadcasting Network “is a powerful amplifier of anti-Muslim views to Christian audiences,”\(^\text{187}\) claimed that Islam is “not a religion,” but “a violent political system bent on the overthrow of the governments of the world and world domination.”\(^\text{188}\) Robertson, who ran for the Republican presidential nomination in 1988, has long been an influence in mainstream, conservative, political circles with significant influence in evangelical Christian communities. His staunch support for Israel earned him a Lifetime Achievement Award for Support of Israel in 2008 by the Israel Allies Foundation.\(^\text{189}\)
Other well-known conservative pundits such as Sean Hannity, Glenn Beck, Alex Jones, and the late Rush Limbaugh merge their Islamophobic propaganda with anti-Palestinian racism. For example, in 2011, Limbaugh expressly stated, regarding the Palestinian right of return, “The complicating factor is there really no such thing as Palestine. It’s been created for the sake of this argument or this dispute, and there never were Palestinians. But there are now, of course, for the sake of prolonging, servicing, and animating this dispute.” Such erasure of Palestinian identity is a common right-wing Zionist talking point.

Likewise, Hannity, commenting on Israel’s 2021 bombing campaign in Gaza, showed complete disregard for innocent Palestinian life, saying, “But Hamas, they fire the missiles from, oh, schools and hospitals. And if anyone dies, innocent people, collateral damages as we say, that would be on them.” In a video presentation, Beck argued that the sole motivation for Palestinian nationalism, and for the support Palestinians get from progressives, is hatred of Jews.

Even purportedly leftist pundits such as Bill Maher, who reaches an average 800,000 viewers in his HBO show Real Time with Bill Maher, justify their support for Israel based on Islamophobic tropes. Maher often repeats the false, right-wing, and racist “clash of civilizations” tropes that frame Islam as a violent, dangerous religion spread by the sword and paint Muslims in the West as a threat to national security. Nearly as often repeated is Maher’s association of Hamas (a spinoff of the Palestinian branch of the Muslim Brotherhood) with all Palestinians in his defense of Israel’s violence against Palestinians. Maher merges his Islamophobic views and unconditional support for Israel to discredit Muslim representatives like Ilhan Omar and Rashida Tlaib when they dare to offer a defense of Palestinian human rights.

Such overt media bias extends to politics. Indeed, if they are not already biased in favor of Israel, relentless, one-sided anti-Palestinian media coverage influences American politicians.

193 Blaze TV, The Real Story Behind Israel and the Palestinians | Glenn Beck Program, YouTube (Sep. 19, 2014) https://www.youtube.com/watch?v=yZdvxNQ50M.
Republican presidential candidate John McCain was holding a town hall meeting in 2008 where an audience member said she did not trust Democratic candidate Barack Obama because “he’s an Arab.” McCain responded, “No, ma’am. He’s a decent family man [and] citizen that I just happen to have disagreements with on fundamental issues and that’s what this campaign’s all about. He’s not [an Arab].” The media response was to praise McCain for “defending Obama.”\textsuperscript{198} An opinion piece in the Chicago Tribune stated, “McCain wasn’t merely a politician, but a true patriot.”\textsuperscript{199} Voices criticizing McCain for the clear implication that “an Arab” is not decent, not a “family man,” were muted and marginalized. To this day, McCain’s response is held up as a model of fair play in elections, with the clear anti-Arab racism largely ignored.\textsuperscript{200}

McCain’s implicit denigration of “Arabs” as indecent was also reflected in a speech he gave a few months earlier, in June 2008. Speaking to the AIPAC policy conference, McCain said, “We must also ensure that Israel’s people can live in safety until there is a Palestinian leadership willing and able to deliver peace.”\textsuperscript{201} Such victim blaming discourse displays a troubling indifference to the lack of freedom and basic rights afforded to Palestinians under Israeli occupation in the West Bank and the siege of the Gaza Strip.\textsuperscript{202}

Studies have documented a sharp, though not always consistent, anti-Palestinian bias at the New York Times, despite the frequent accusations against the paper of record by supporters of Israel that it is biased in favor of Palestinians.\textsuperscript{203} According to Nadim Nashif, executive director of 7amleh, a Palestinian digital rights non-profit, “There is no equal coverage and a blatant dismissal of the pain, damages, oppression and in many ways dehumanization that Palestinians are experiencing on top of the inequalities of daily life here.”\textsuperscript{204} Likewise, a 2019 study of over 100,000 headlines in major U.S. newspapers found over four times more Israeli-centric headlines than Palestinian ones and that coverage around the issue spikes during periods of escalated violence.\textsuperscript{205} Minimal, if any, media attention is given to the day-to-day violence that Palestinians experience under Israel’s military occupation of the West Bank and East Jerusalem, and its siege of the Gaza Strip.\textsuperscript{206} In such a political and media atmosphere, anti-Palestinian bias, not facts, shape the views of most U.S. leaders, especially those who are not specialists in Palestine and Israel.


\textsuperscript{200} Stewart, supra note 198.

\textsuperscript{201} Howard LaFranchi, Obama and McCain Diverge on Israeli-Palestinian Conflict, CHRISTIAN SCI. MONITOR (July 22, 2008), https://www.csmonitor.com/USA/Politics/2008/0722/p01s01-uspso.html.


\textsuperscript{205} Id.
The inherent suspicion of Muslims is nothing new, but it has certainly intensified since the September 11 attacks. According to a study released in November 2015 by 416Labs, the New York Times portrayed Islam and Muslims more negatively than alcohol, cancer, and cocaine, among other benchmarked words. One particularly pernicious Islamophobic trope has alarmingly gained traction in American society: Muslims are presumptively antisemitic. This negative stereotype adversely impacts the livelihoods, individual rights, and dignity of Muslims across the United States.

THE ISLAMOPHOBIC TROPE OF A UNIQUELY MUSLIM ANTISEMITISM

1. DEFENDING PALESTINIAN HUMAN RIGHTS IS DISCREDITED AS ANTISEMITIC

2. DIVERTING THE FIGHT AGAINST REAL ANTISEMITISM

3. WEAPONIZING ISLAMOPHOBIC TROPES AGAINST MUSLIM POLITICIANS

4. DUAL HARM TO JEWS AND MUSLIMS
The fallacy that all Muslims are presumptively antisemitic is increasingly deployed by Zionist groups to eliminate critical debate inclusive of Palestinian experiences. Muslims or Arabs criticizing Israel’s state practices are presumed to be motivated by antisemitism, not a commitment to universal human rights or social justice principles. The consequence is twofold: the marginalization of Muslim and Arab voices from public discourse on U.S. foreign policy affecting Palestine and Israel and undermining solidarity efforts between Jewish and Muslim communities.207

207 For a review of the impact of Islamophobia on policy and, specifically in dividing Jewish and Muslim communities, see Hatem Bazian, Islamophobia, “Clash of Civilizations,” and Forging a Post-Cold War Order, 9 RELIGIONS, 9, 282 (2018), https://doi.org/10.3390/re9090282.
Israel's killing of Palestinian American journalist Shireen Abu Akleh is illustrative of how Islamophobia devalues Palestinian life. On May 11, 2022, Abu Akleh (who is Christian) was shot and killed in Jenin, in the West Bank, while reporting. Several eyewitness reports, all consistent with each other, indicated there was no exchange of fire at that time between the Israeli security forces on the scene and any Palestinian militants, who, as it was later established, were out of range of Abu Akleh. Notwithstanding that the witnesses’ accounts are supported by investigations by the New York Times, Washington Post, the Associated Press, Bellingcat, and the United Nations Office of the High Commissioner for Human Rights, the U.S. State Department limited its investigation to an inconclusive examination of the bullet that killed Abu Akleh and a review of the Israeli and Palestinian investigations.

The finding failed to satisfy Abu Akleh's Senate representatives, Robert Menendez (D-NJ) and Cory Booker (D-NJ), who co-authored a letter expressing their dissatisfaction and demanding a more thorough and transparent investigation. When asked about this evidence, Secretary of State Antony Blinken responded, “I’m sorry, with respect, [the facts] have not yet been established…We are looking for an independent, credible investigation. When that investigation happens, we will follow the facts, wherever they lead. It’s as straightforward as that.” Blinken's assertion that facts had not been established is stunning, especially because Israeli officials stated they would not conduct a criminal investigation of the incident.

Why was credible and substantiated eyewitness testimony not recognized as valid evidence by the Secretary of State, when no other testimony or evidence contradicted it? The only evident reason was that the witnesses and victim were Palestinian, and the U.S. government determined that Palestinian testimony was not trustworthy, that a Palestinian life was not worth the hassle. This stereotype goes beyond simply favoring a U.S. ally. It speaks to an Islamophobic belief that Muslim and Arab lives do not matter. Nor can they be trusted as witnesses to, or victims of, wrongdoing by Israelis. Only after significant advocacy by human rights organizations did the U.S. Department of Justice finally decide to open an investigation into the killing of Abu Akleh.

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212 Abdulrahim et al., supra note 208.
213 Cahlan, et al., supra note 208.
214 Saifi, et al., supra note 208.
As one pro-Israel activist put it, it is antisemitic to “…blame Israel for all their problems, view the Jewish state as an illegitimate colonial presence on their land, believe that violence against Israelis is justified and even laudable, believe that Jews are bloodthirsty and dishonest, and are predisposed to take at face value even the most absurd accusations against these uniquely evil enemies.”

According to this reasoning, it is the Islamophobic belief that Palestinians (who are presumed to all be Muslims) are motivated not by their own interests in freedom and dignity but by a hatred for Jews that renders them inherently untrustworthy. Perversely, antisemitic stereotypes are deployed to propagate Islamophobic and anti-Palestinian stereotypes.

The presumption that Muslims are antisemitic until individually proven otherwise is a component of the so-called “New Antisemitism,” which is strategically conflated with anti-Zionism. Although this tactic targets a wide range of supporters of Palestinian rights, not only Muslims, for the purpose of chilling their free speech activities, the label “antisemitic” goes unchallenged when leveled at Muslims. Professor Amy Kaplan’s research finds that, “[n]ew accusations of new anti-Semitism started targeting human rights groups in the 1990s…Since 2001, the new anti-Semites have taken the stereotypical form of ‘Islamofascists,’ who purportedly fuse anti-Semitism with anti-Americanism. In this decade, the ADL and other organizations have launched campaigns to criminalize the Boycott, Divestment and Sanctions (BDS) movement as the newest of the new forms of ‘anti-Semitism.’” Kaplan’s point demonstrates the blanket use of spurious accusations of antisemitism to stifle criticism of Israeli policies toward the Palestinians. Equally problematic is how unfounded allegations of antisemitism divert attention away from antisemitic attacks against Jews in the United States.

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DIVERTING THE FIGHT AGAINST REAL ANTISEMITISM

Mislabeling criticism of Israel’s state practices as antisemitic blunts efforts against real antisemitism. A white paper produced by the Nexus Project defines antisemitism as “consisting of anti-Jewish beliefs, attitudes, actions or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews (because they are Jews), and conditions that discriminate against Jews and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life.” The Nexus Project notes that “criticism of Zionism and Israel, opposition to Israel’s policies, or nonviolent political action directed at the State of Israel and/or its policies should not, as such, be deemed antisemitic” and “opposition to Zionism and/or Israel does not necessarily reflect specific anti-Jewish animus nor purposefully lead to antisemitic behaviors and conditions.”

However, the ADL includes criticism of Israel or Zionism in its definition of antisemitism. For example, the ADL stated that “[i]n 2021, 345 antisemitic incidents involved references to Israel or Zionism, compared to 178 in 2020. Of 2021’s 345 anti-Zionist/anti-Israel-related incidents, 68 took the form of propaganda efforts by white supremacist groups to foment anti-Israel and antisemitic beliefs. Most of the remaining incidents were expressions of anti-Israel animus that incorporated antisemitic imagery or harassment and demonization of Jews for their connection – real or assumed – to Israel.”

Although the ADL concluded “antisemitic incidents reached an all-time high in the United States in 2021, with a total of 2,717 incidents of assault, harassment and vandalism reported.…,” these numbers are inflated if they include criticism of Israeli state practices and policies.

The ADL’s conflation of criticism of a nation’s practices and a political ideology with antisemitism diverts attention away from genuine violations of Jews’ civil rights; in addition to chilling free speech. If similar reasoning applied to Iran, a self-avowed Islamic nation, then people that criticize Iran’s state practices are presumptively Islamophobic—an absurd claim on its face.

Yet, labeling criticism of Israel as antisemitism is advanced by the International Holocaust Remembrance Alliance (IHRA). The definition, drafted for use as a data gathering tool, was amended with several examples that covered legitimate criticisms of Israel. The man who led the drafting of the IHRA definition, Kenneth Stern, argued that trying to use the definition as a guideline for regulations around hate speech and discrimination was inappropriate. Stern has expressed concern that the inappropiate use of the definition that he led in drafting could constitute a serious threat to free speech. “I am a Zionist, and anti-Zionism can be painful to hear. But on campus, students and faculty have a right to express these ideas and to expect those who object to push back. Asking the university to adopt a definition that says anti-

225 Michael Young, Weaponizing the Antisemitism Accusation, CARNEGIE MIDDLE EAST CENTER (June 6, 2023), https://carnegie-mec.org/diwans/89880
226 Stern, supra note 226.
Zionism is in effect antisemitism is pernicious.\textsuperscript{229} Israel is a country, like any other. Its policies are subject to criticism and condemnation, like any other country. Some criticisms are misplaced, exaggerated, mistaken, or in fact rooted in antisemitism.\textsuperscript{230} But most criticisms lodged by supporters of Palestinian human rights and adherents of international law are well-documented and established over many years. Human rights groups, including Amnesty International, Human Rights Watch, and Israel’s own leading human rights group B’Tselem, have concluded that Israel is an apartheid regime.\textsuperscript{231} The strong international reputation of these groups and the considerable evidence they and Palestinian civil society groups have amassed cause allegations of antisemitism to fall flat. One need not agree with the conclusion that Israel is an apartheid state to recognize that the conclusion is based on substantial, publicly available evidence, not irrational racism.

\textsuperscript{229} Kenneth Stern, \textit{We Need Better Ways to Speak to Each Other About Campus Antisemitism and Israel}, JeWThink (Jan. 4, 2021), https://www.jewthink.org/2021/01/04/we-need-better-ways-to-speak-to-each-other-about-campus-antisemitism-and-israel/.  
\textsuperscript{231} Human Rights Watch, \textit{supra note} 7; Amnesty Int’l, \textit{supra note} 25; B’Tselem \textit{supra note} 25.
WEAPONIZING ISLAMOPHOBIC TROPE AGAINST MUSLIM POLITICIANS

The Islamophobic trope that Muslims and Arabs are inherently antisemitic implies that they cannot be trusted as elected officials and policymakers. In the report, #Islamophobia Stoking Fear and Prejudice in the 2018 Midterms, scholars cite numerous displays of Islamophobia directed at Muslim public figures that center around baseless accusations of antisemitism. For example, during Israel’s 2012 assault on the Gaza Strip, Ilhan Omar tweeted in protest of the war and challenged Israeli arguments and propaganda defending the assault. In 2018, as Omar was running for Congress, the tweet resurfaced. The report notes many of the responses, even angry ones, were purely political. But many others veered sharply into Islamophobia. One highlighted tweet reads, “@IlhanMN you would be goebbels employee of the month if this was june of 1938. kudos for that. you are a pristine specimen of the aggressor’s agenda advocates. down with the palestinian lie. am yisrael chai. settlers came back to stay. have a good day, rektfem. kisses.”

In October 2019, after the white nationalist attack on the Tree of Life synagogue in Pittsburgh, Representative Omar was blamed. One tweet reads “@IlhanMN The blood is on your hands in Pittsburgh,” and “Minnesota synagogues will need armed guards If this Democrat is voted in.” Much of the Islamophobia dealt with the conflation of antisemitism with criticism of Israel. Representative Omar’s advocacy for Palestinian human rights and other progressive public policy issues has made her a frequent target of death threats. Similarly, Palestinian-American Representative Rashida Tlaib has been the target of vicious Islamophobic attacks and threats. “Of the 12,492 tweets (around the time of the 2018 primaries) tagging Rashida Tlaib, 29% contained Islamophobic/xenophobic language and another 22% attacked her outspoken sympathy for the Palestinian cause, often with Islamophobic and/or hate-filled language. The following tweet, which references the Pittsburgh synagogue massacre, was retweeted 1,294 times:

If you are horrified that a Nazi killed 11 Jews yesterday, then you should be equally horrified at the fact Jihadi candidates who have the same hate for Jewish people are running for Congress in America. Meet @RashidaTlaib. A Palestinian who attacks Jews.

Conflating white nationalists’ antisemitism with Muslim and Palestinian Americans speaking out for Palestinian human rights demonstrates the ease with which this Islamophobic trope is exploited to censor criticism of a state’s practices and policies.

In discussing the study of over 113,000 tweets, Professor Sahar Aziz highlights, “Notably, the trope of the Muslim as an anti-Semite was most frequently invoked. Xenophobic demands for Tlaib and Omar to go back to their countries came in a close second. Some tweets, as well as Republican politicians, went as far as accusing Ilhan Omar of inspiring the shooter of the massacre at the Tree of Life Synagogue in Pittsburgh that killed 11 and wounded seven Jewish worshippers.” Aziz further notes the irony of spurious,

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232 For a review of the impact of Islamophobia on policy and, specifically in dividing Jewish and Muslim communities, see Bazian, supra note 207.
234 Id. at 22.
235 Id. at 23.
236 Id.
238 Pintaket, supra note 233 at 18.
239 Id.
Islamophobic accusations of antisemitism against presidential candidate Bernie Sanders (who is Jewish) because he was endorsed by Representatives Rashida Tlaib and Ilhan Omar as well as Palestinian-American activist Linda Sarsour.\(^{241}\)

In accusing Tlaib and Omar of antisemitism, one writer in Commentary magazine wrote, “The two congresswomen have regularly claimed that Israel’s character as a Jewish state is incompatible with representative democratic governance, likened Israel to Nazi Germany [no evidence is offered by the writer for this accusation] and compared the Hamas-linked BDS movement to the Boston Tea Party.”\(^{242}\) The idea that an ethno-national identity makes democracy impossible or that a non-violent resistance movement to gain rights for the indigenous people who have been denied them for decades (and is not, in fact, linked to Hamas) is hardly antisemitic. Hurling the epithet of “antisemitism” in such a way is intended to stifle rational debate about U.S. foreign policy and international human rights, while doing a disservice to earnest efforts to combat genuine antisemitism.\(^{243}\)


\(^{243}\) For an explanation of the harm caused by false accusations of antisemitism, see Mairav Zonszein, *False Charges of Antisemitism are the Vanguard Of Cancel Culture*, 4972 MAGAZINE (July 28, 2020), https://www.972mag.com/weaponization-antisemitism-cancel-culture/; Written Testimony of Kenneth Stern, U.S. House of Representatives, Comm. Judiciary (Nov. 7, 2017), http://docs.house.gov/meetings/JU/JU00/20171107/106610/HRG-115-JU00-Wstate-SternK-20171107.pdf. Stern is credited with writing a widely accepted definition of antisemitism but has become critical of the way it has been used.
DUAL HARM TO JEWS AND MUSLIMS

The misuse of the label of antisemitism coupled with normalized Islamophobia in American society has made college campuses across the United States sites of censorship when it comes to Palestinian human rights and U.S. policy on Palestine-Israel. Students and faculty that host panels, conferences, or teach-ins find themselves targets of frivolous administrative complaints by those who disagree with the organizers’ or speakers’ viewpoints. The ADL and other Zionist organizations often intervene to collapse the crucial distinction between anti-Zionism and antisemitism, demanding that universities cancel events, punish students, and censure professors.

On November 16, 2021, Palestine Legal and co-counsel Benjamin Douglas filed a civil rights complaint against George Washington University (GWU) with the District of Columbia’s Office for Human Rights alleging GWU violated the District of Columbia Human Rights Act (“DCHRA”), which prohibits discrimination on the basis of national origin and ethnicity at educational institutions. On June 2, 2021, the Office of Advocacy and Support (OAS) posted on social media that it would hold a virtual processing space for “the GW community members in the Palestinian diaspora who needed healing.” The post also stated that OAS was “proud to join others in the higher education community who have vocalized their support for Palestinian human rights and liberation . . . .” GWU students, many of whom had family and friends in Palestine, had witnessed Palestinians forced from their homes in the Sheikh Jarrah neighborhood in Jerusalem and killed in Gaza by the Israeli military in May 2021. Thus, OAS was extending trauma counseling and support “services to Palestinians and show support for Palestinian rights as it had for other groups,” including Asian, Black, and Jewish students.

In response to the GWU Hillel chapter’s executive director and numerous calls to then-GWU President Thomas LeBlanc complaining about OAS’s virtual processing circle for Palestinian students and those impacted by anti-Palestinian violence as well as the post supporting Palestinian human rights, OAS was instructed to cancel the event and remove the social media posts. Adding insult to an already traumatized Palestinian American community, the GWU administration ordered the OAS to issue “an apology for


245 Pilkington, supra note 244.


248 Id.

249 See the first-hand report, Mohammed El-Kurd, Here in Jerusalem, We Palestinians are Still Fighting for Our Homes, GUARDIAN (July 28, 2021), https://www.theguardian.com/commentisfree/2021/jul/28/jerusalem-palestinians-homes.


251 Id.

offering a virtual processing circle and supporting Palestinian rights.”

On June 3, 2021, OAS stated that the previous post “did not create a safe space for all members of our community,” clearly parroting the talking points of pro-Israel, anti-Palestinian Zionists. The reality that Palestinians are not even permitted to receive the same trauma services available to other communities (including Jewish communities) for grief caused by Israeli violence illustrates the extent of their dehumanization.

Two years prior, in February 2020, Case Western University canceled a workshop to be presented by the local chapter of Jewish Voice for Peace entitled “Anti Semitism, Human Rights and the Struggle for Justice in Palestine,” which aimed to address how false accusations of antisemitism are weaponized by Zionist groups to stifle criticism of Israel. The workshop was replaced by a program on antisemitism by the Anti-Defamation League, a staunchly pro-Israel organization that labels criticism of Zionism as antisemitism. Palestine Legal highlighted that Case Western’s “efforts to circumscribe advocacy for Palestinian rights in the name of providing ‘balance’ violated its own free speech policies guaranteeing the right to hold and express opinions free from university interference.” But the university did not change its position.

A simultaneous result of framing criticism of Israeli policies and practices as antisemitic is the strains on growing relationships between Jewish and Muslim communities in the United States. That solidarity was on full display when Palestinian-American activist Linda Sarsour and her organization, MPower Change, teamed up with another Muslim group, Celebrate Mercy, to raise over $100,000 in less than 24 hours to repair a Jewish cemetery in St. Louis that had been vandalized in an antisemitic attack. According to a spokesperson, about two-thirds of those donating appear to be Muslim, while the remainder are Jewish.

As former Congressman Keith Ellison and Carin Mrotz of Jewish Community Action wrote, “Years ago, when Yom Kippur and Ramadan overlapped on the calendar, Jewish and Muslim congregations broke fast together. We shared our respective stories. We listened to each other. Through coming together then and at other times, we forged alliances that have allowed us to work side by side on housing, immigration, healthcare, and human rights. And we have stood by each other’s side at times of grief like this one. Radical solidarity fundamentally undermines anti-Semitism and Islamophobia, and we believe it is more urgent now than ever.”

Jews and Muslims working together in support of Palestinian human rights and in opposition to both Islamophobia and antisemitism is an increasingly familiar sight. The attempt to paint Muslims as presumptively antisemitic, however, undermines this growing solidarity, especially among college students and young professionals.

253  Id.
254  Id.
“Conflating white nationalists’ antisemitism with Muslim and Palestinian Americans speaking out for Palestinian human rights demonstrates the ease with which this Islamophobic trope is exploited to censor criticism of a state’s practices and policies.”
RECOMMENDATIONS
AND CONCLUSION
Israel is described as “the little country that is the most easterly outpost of Western civilization” by the Orientalist scholar Niall Ferguson. What does the outpost guard against if not a presumably barbarous threat to “Western civilization,” which stands in contrast to the lesser, or certainly more threatening, groups to its east? The negative characterization of Arabs is juxtaposed by Ferguson against the civility of Israel, a European (although Jews of European descent are a minority in Israel) outpost.

The violence of Muslims and Arabs is stereotypically characterized by terrorism, and no people has suffered more from that insidious stereotype than Palestinians. As Professor Sahar Aziz describes it, “The Palestinian terrorist trope informed domestic racial projects that involved the surveillance, special registration, and prosecution of Arab American individuals and organizations opposed to U.S. Middle East policy. Political cartoons, eerily similar to those that demonized Jews and Mormons in the early twentieth century, portrayed Arabs as aggressive, scheming, and beastlike.” Such dehumanization is both systemic and intentionally fomented.

The United States plays a pivotal role in supporting the brutal Israeli occupation of the West Bank and siege of Gaza that international human rights organizations condemn as apartheid. Islamophobia in American politics explains, in part, unconditional U.S. support for Israeli practices that deny Palestinians the civil, national, and human rights that most Americans take for granted. Politicians, non-governmental actors, and social forces converge to normalize a culture of Islamophobia that in turn shapes the formation of foreign policy. If the American government’s repeated statements that resolving the Israel-Palestine conflict is a vital American interest are to be taken seriously, then purging domestic and international Islamophobia from U.S. foreign policy-making is a prerequisite.

Three recommendations will intend to counter Islamophobia, apply universal human rights to Palestinians, and ensure informed, robust debate about U.S. foreign policy on Palestine and Israel.

1. Congress and the President must include the experiences and perspectives of Palestinian, Arab, and Muslim American communities in foreign policy development.

U.S. foreign policy on Palestine and Israel currently excludes the lived experiences, analysis, and perspectives of Arabs (especially Palestinians) and Muslims. This impedes America’s ability to craft effective policy. One sided, biased input by pro-Israeli nonprofit organizations, elected officials, and analysts predictably dehumanizes Palestinians and exempts Israel from human rights norms. For example, pro-Israel think tanks such as the Washington Institute for Near East Policy (whose ranks include former politicians, non-governmental actors, and human rights groups that have concluded that Israel is an apartheid state and document severe human rights abuses include:

- The Massachusetts Senatorial Campaign of Senator Elizabeth Warren.}


263 Aziz, supra note 16 at 121. For more depth on imagery and portrayals of Arabs in American culture, see Jeffrey Thomas, Scapegoating Islam: Intolerance, Security, and the American Muslim, PRAGER (2015).

264 Reports from leading human rights groups that have concluded that Israel is an apartheid state and document severe human rights abuses include: Human Rights Watch, supra note 7; Amnesty Int’l, supra note 25; B’TSELEM, supra note 25.

265 Extensive literature exists describing the prominent role the United States has played in Israel-Palestine. A small sample include: Hill & Plitnick, supra note 264; Roger McGinty, Islamic Europe: Eurabia Colonisation Dismissed as Alarmist, supra note 264.


Ambassador Dennis Ross)\(^{268}\) and the Foundation for the Defense of Democracies (whose board of advisers includes former National Security Adviser H.R. McMaster, former Secretary of Defense Leon Panetta, and former CIA Director Michael Hayden)\(^{269}\) regularly participate in policy formation. Meanwhile, representatives of the Palestinian perspective are absent from policy discussions, as well as mainstream media coverage of Israel and Palestine. The consequent groupthink not only creates a blind spot in foreign policymaking but devalues Palestinians’ lives as presumptive threats to peace. That is, Palestinian freedom is perversely juxtaposed as antithetical to Israeli security.

To be informed citizens governed by sound policy, the American public has the right to hear the experiences of Palestinians living under a decades-long brutal occupation in Gaza and the West Bank. Muslim and Arab American communities with familial connections to, or expertise on, Palestine, therefore, must have the same access and input to policymaking and media coverage currently possessed by Jewish and Christian supporters of Israel. Anything less betrays American principles of equality, inclusion, and rights for all; and impedes crafting effective public policy that comports with our international legal obligations and fundamental values.

2. Universities must preserve the academic freedom and free speech rights of students and faculty engaged on Palestine.

The single factor that causes scholars and students from across the world to flock to American universities is the academic freedom to engage in intellectual and scientific inquiry. Yet, when it comes to the topic of Palestine, students and faculty face overt hostility when they host events, conduct research, publish articles, or engage in campus activism. University administrators enable, or directly participate in, harassment of faculty and students. Spurious administrative complaints of antisemitism coupled with malicious blacklisting by a nationwide Islamophobic network are intended to quash criticism of Israel.\(^{270}\) When the targets are Muslim and Arab students, these campaigns rely on the acceptability of false stereotypes that Muslims and Arabs are presumptively antisemitic.

University campuses have become focal points of controversy over discussions about Israel and Palestine. Professors are charged with bias for presenting material deemed critical of Israel or bringing forth the perspectives of Palestinians living under a brutal occupation or as refugees. Among the most notable attacks against Arab professors occurred in 2003 and 2004, when Columbia Professors Joseph Massad, George Saliba, and Hamid Dabashi, who all worked at Columbia University’s Middle East and Asian Languages and Cultures department, were accused of antisemitism for criticizing Israel. A group called The David Project created and widely distributed a film that demanded the university fire the three professors of Middle Eastern origin.\(^{271}\) Since then, tens of Arab and Muslim professors have been targeted by self-declared pro-Israeli groups seeking to silence, punish, or fire them.\(^{272}\)

Students are also targeted for harassment and discrimination for their community activism on Palestinian rights. A watchdog group dubbed “Canary Mission”\(^{273}\) maintains an online blacklist of activists, professors, and students who support Palestinian rights in any way, leading to harassment, intimidation, and even threats.\(^{274}\) Other anti-Palestinian groups assist students in filing civil rights complaints alleging that events hosted on campus are antisemitic because the speakers criticize Israeli policies and practices.\(^{275}\)


\(^{270}\) For a broad overview of obstacles to pro-Palestine advocacy, including on campus, see PALESTINE LEGAL, supra note 12.


\(^{273}\) See About Us, CANARY MISSION, https://canarymission.org/about (last visited July 10, 2023).

\(^{274}\) For extensive reporting on the results of Canary Mission’s activities, see Alex Kane, It's Killing the Student Movement: Canary Mission’s Blacklist of Pro-Palestinian Activists is Taking a Toll, INTERCEPt (Nov. 22, 2018), https://theintercept.com/2018/11/22/israel-boycott-canary-mission-blacklist/.

\(^{275}\) PALESTINE LEGAL, supra note 12.
In some cases, universities unilaterally take action to deny students the right to create student groups advocating for Palestinian rights. In 2017, Fordham University vetoed the student government's decision to recognize the Students for Justice (SJP) as a student group. University officials claimed that SJP's criticism of Israel and support for the Boycott, Divestment and Sanctions movement would create “polarization” on campus and “run contrary to the mission and values” embraced at Fordham. Although the student leaders (some of whom are Palestinian-American) successfully obtained a district court decision ordering Fordham University to recognize SJP as a student group, the decision was reversed on appeal. The appellate court bluntly disregarded the lower court's reasoning that “consideration of whether a group's message may be polarizing is contrary to the notion that universities should be centers of discussion of contested issues.” Indeed, the U.S. Supreme Court has long recognized that classrooms and universities are “peculiarly the marketplace of ideas. The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, [rather] than through any kind of authoritative selection.”

Political and speech rights are hollow if not afforded to all people irrespective of religious or racial identity. More than any other institution, a university should closely guard such fundamental rights. A university showing hostility to legitimate student activism deters political engagement and quashes free intellectual inquiry. And when such anti-intellectual efforts target Palestinians, Arabs, or Muslims, it is flagrantly Islamophobic and racist.

3. The United States Government must hold Israel accountable for violations of Palestinians’ human rights

American foreign policy treats Palestinian lives as dispensable. This reality is facilitated by the systematic exclusion of Palestinian perspectives, often articulated by Muslims and Arabs, in U.S. policy formation that in turn produced a decades-long exemption of Israel from human rights laws and norms—at the expense of Palestinians everywhere. Ongoing violations of international law by Israel such as settlement expansion, indefinite detention, extrajudicial killings, house demolitions, and collective punishment of the population of Gaza occur unchecked because the United States consistently looks the other way. Israel’s actions have become so oppressive that some of its strongest American supporters have concluded that the two-state solution is no longer a viable option. And whatever consequent suffering Palestinians experience is of no import to the U.S. government.

Even domestic laws are flouted to allow Israel’s oppression of Palestinians. The Foreign Assistance Act prohibits U.S. funding to governments engaging in “gross violations of internationally recognized human rights.” Yet, Israel violates Palestinians’ human rights on a daily basis while receiving over three billion dollars of U.S. foreign aid per year. Neither domestic laws prohibiting foreign aid to human rights violators apply.

violators nor international humanitarian laws are enforced against Israel. The U.S. government’s message is clear: Palestinian lives do not matter. Worse yet, Muslims and Arabs advocating to change this reality are defamed as antisemites and censored. The exemption of an entire group of people from human rights law runs counter to the fundamental principle of universality in protecting human life.

CONCLUSION

In a democratic society where citizens are taught to value human life, dignity and equality, the best antidote to state repression is civic and political engagement. Yet, Muslim and Arab Americans who engage in speech and advocacy that brings forth the experiences and perspectives of Palestinians find themselves defamed, harassed, and censored. Rather than recognized as human rights defenders, they are falsely accused of antisemitism.

The harms caused by such bad faith, scorched earth-tactics by Zionist groups and individuals extends to the Jewish community. When political speech and advocacy in defense of Palestinian human rights is mistaken for hatred of Jews, real antisemitism is obscured. Resources are diverted from protecting Jewish Americans from harassment, violence, or discrimination on account of their Jewish identity to silencing and harassing Arabs and Muslim students, faculty, and analysts for their defense of human rights.

To end Islamophobic discourse and anti-Palestinian policies, it is long overdue for American universities, media, and the U.S. government to be more inclusive of the diverse experiences of Palestinians. Scholars, journalists, and analysts whose work provides those perspectives should be treated the same as those who provide the diverse experiences of Jews and Christians supportive of Israel. No country should be immune from criticism of its practices and policies—whether Israel or other American allies. And no group of people in the United States—including Muslims and Arabs—should be vilified for exercising their fundamental rights.

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The Center for Security, Race and Rights (CSRR) at Rutgers University Law School engages in research, education, and advocacy on law and policy that adversely impact the civil and human rights of America’s diverse Muslim, Arab, and South Asian communities. CSRR’s work is organized around three themes: 1) the contemporary and historical intersection of race and religion in the United States; 2) the criminalization of Muslim and Arab identity through United States and global national security laws and policies; and 3) transnational rights and security arising from relations between the United States and Muslim majority countries.