

***Re: Urgent Action Required Across Texas University Campuses Concerning Governor Greg Abbott's March 27, 2024 Executive Order No. GA44***

Dear University Presidents and Leadership,

We are a coalition of Texas-based community organizations and associations, and we are writing to you to share our deep concerns over [Executive Order GA44](#), issued by Governor Greg Abbott on March 27, 2024 (the "Executive Order").

This Executive Order poses a severe threat to protected political speech and academic freedom on Texas university campuses. We urge you not to discriminate against students and other members of your academic community who are simply exercising their constitutional right to express their views.

The First Amendment requires public universities to protect the rights of students and student groups to debate and demonstrate on campus.<sup>1</sup> In *Healy v. James*, the Supreme Court affirmed that the First Amendment protects the right of student groups to associate and speak out on matters of public concern, free from censorship by public university officials.<sup>2</sup> Under the guise of combating antisemitism, the Governor's Executive Order brazenly targets students by specifically singling out student organizations such as Palestine Solidarity Committee ("PSC") and Students for Justice in Palestine ("SJP").

Governor Abbott's Executive Order has given public universities in Texas ninety (90) days to review their free speech policies and to ensure that these policies are enforced against the aforementioned student groups. The Executive Order also requires universities to adopt [an overly broad and problematic definition of antisemitism](#) in their free speech policies. This definition reaches far beyond targeting antisemitism to conflate it with criticism of the Israeli government's policies.

Governor Abbott's order seems to abandon the First Amendment's requirement that the government not censor speech because of people's views. Universities already have legal obligations to protect students, faculty, and staff from harassment and ensure that they do not

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<sup>1</sup> Cole, D 2023, 'Why We Must Reject Efforts to Restrict Constitutionally Protected Speech on Campuses,' *The ACLU*, November 2, accessed March 2024, see [here](#).

<sup>2</sup> *Healy v. James*, 408 U.S. 169 (1972).

permit hostile environments based on the targeting of any racial, ethnic, or religious group. Governor Abbott's executive order conflates these legal concepts and fails to mention universities' obligations to *all* of their students, including those experiencing a sharp rise in anti-Muslim or anti-Arab hatred. It is crucial to recognize that advocating for Palestinian rights and criticizing the actions of the Israeli government is not inherently antisemitic. In fact, semitic is a term used to refer to ethnic and cultural groups from or related to the Middle East, which includes a vast group of individuals, including Arabs and Muslims, and is not solely descriptive of people of the Jewish faith.

The order's invocation of Section 51.9315 of the Texas Education Code, which prohibits expression that disrupts the operations of the institution, fails to acknowledge the vital role of peaceful protest and dissent in fostering critical thinking and civic engagement among students. The stifling of healthy exchange of diverse viewpoints and robust debate will turn our campuses into echo chambers and hostile, unwelcoming environments. Students must be allowed to express their opinions, engage in robust debates, and advocate for social justice causes without fear of reprisal or censorship. Singling out specific student groups for discipline based on their political beliefs not only violates their free speech rights but also sets a dangerous precedent for ideological discrimination on university campuses.

In light of these concerns, we call on university officials to abide by their federal and state constitutional and legal obligations. Governor Abbott's Executive Order must not replace nor preempt well-established Texas and federal law, including but not limited to First Amendment. In revising your free speech policies, we urge your university to not conflate lawful expression with unlawful conduct, lest you risk stifling the free exchange of ideas and transforming your university into a site of censorship rather than a center of intellectual inquiry.

We thank you for your prompt attention to this matter. And, we look forward to your continued commitment to upholding the values of free speech and academic freedom on your campus.

Sincerely,



