



TIM GRIFFIN
ATTORNEY GENERAL

November 8, 2023

*Submitted via First Class Mail
and via Electronic mail*

The Honorable Antony Blinken
Secretary, U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Alejandro Mayorkas
Secretary, U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, D.C. 20528

Re: Letter from the States of Arkansas, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, Virginia, and West Virginia urging renewed vetting of foreign student visa holders for support of terrorism

Dear Secretary Mayorkas and Secretary Blinken,

In the light of the recent surge of antisemitic activity on university campuses, the States of Arkansas, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, Virginia, and West Virginia urge you to vigorously renew vetting of foreign student visa holders and promptly remove anyone who has endorsed or espoused terrorist activity or provided material support to foreign terrorist organizations.

The Surge of Antisemitic Threats on University Campuses

In 1790 the Hebrew congregation at Newport, Rhode Island, wrote to President George Washington to express gratitude for the newfound “Blessings of civil and religious liberty” that the Jewish inhabitants enjoyed in the United States. *From George Washington to the Hebrew*

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Congregation in Newport, Rhode Island, 18 Aug. 1790, Founders Online, <https://founders.archives.gov/documents/Washington/05-06-02-0135#GEWN-05-06-02-0135-fn-0001-ptr>.

Sadly, times have changed, and the States of Arkansas, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, Virginia, and West Virginia are concerned about the alarming rise of antisemitic threats in the United States. According to just-released FBI statistics, anti-Jewish crimes in the United States have risen sharply in the past year to the second-highest level on record. Anti-Defamation League, *FBI Data Reflects Deeply Alarming Record-High Number of Reported Hate Crime Incidents in the U.S. in 2022* (October 16, 2023), <https://www.adl.org/resources/press-release/adl-fbi-data-reflects-deeply-alarming-record-high-number-reported-hate>.

These threats have surged to what FBI Director Christopher Wray describes as a “historic” level in the wake of the worst massacre of Jews since the Holocaust. Rebecca Beitsch, *FBI Director Warns of “Historic” Antisemitism Levels*, The Hill (October 31, 2023), <https://thehill.com/homenews/senate/4286146-fbi-director-warns-of-historic-antisemitism-levels/>. This is especially perverse given that Hamas invaded Israel and raped, tortured, burned alive, decapitated, shot, or otherwise killed 1400 men, women, children, and babies, and that 240 who survived but could not escape were forcibly kidnapped and still remain captive in Gaza. Cassandra Vinograd and Isabel Kershner, *Israel’s Attackers Took Over 200 Hostages*, New York Times (Oct. 31, 2023), <https://www.nytimes.com/article/israel-hostages-hamas-explained.html>.

Growing antisemitic activity was a concern at universities in the United States before Hamas’s October 7 terror attack. See Douglas Belkin, *Antisemitism is Rising at Colleges, and Jewish Students are Facing Growing Hostility*, Wall Street Journal (Dec. 14, 2022), <https://www.wsj.com/articles/antisemitism-is-rising-at-colleges-and-jewish-students-are-facing-growing-hostility-11671027820>. But campuses have now become a glowing hotbed of antisemitic activity and threats of violence against Jewish people.

For example, the national chapter of a group calling itself Students for Justice in Palestine (SJP) described Hamas’s attack as “a historic win for the Palestinian resistance.” Brian Flood, *Here’s Where Students for Justice in Palestine Held College Protests this Week*, Fox News (October 13, 2023), <https://www.foxnews.com/media/heres-where-students-justice-palestine-held-college-protests-this-week>. SJP issued a “call to action” asking its college chapters to demonstrate, and more than 20 chapters responded, spearheading anti-Israel activity on campuses across the country. *Id.* That group is linked to Hamas and Palestinian Islamic Jihad. Dan Diker, *Students for Justice in Palestine Unmasked*, Jerusalem Center for Public Affairs (2018), https://jcpa.org/pdf/SJP_unmasked_2018_web.pdf. The U.S. Department of State has designated those two organizations, as well as related groups including the Palestine Liberation Front and the Popular Front for the Liberation of Palestine, as “foreign terrorist organizations.” *Foreign*

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Terrorist Orgs., U.S. Dep't of State, <https://www.state.gov/foreign-terrorist-organizations/>; *see* 8 U.S.C. 1189.

Supporting Terrorism is Grounds for Removal and Violates Federal Law

Facts like these raise reasonable concerns that persons admitted to the United States on student visas could be involved in supporting terrorist activity. To be sure, students should not be suspected of criminal activity simply because they are foreign visa holders. And the freedoms of speech and association are cherished American values that should be vigorously safeguarded. But a visa holder's presence on American soil is a privilege that should be revoked for those who provide aid or comfort to terrorists.

The Immigration and Nationality Act provides that “[a]ny alien who ... endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization” is “ineligible to receive [a] visa[] and ineligible to be admitted to the United States.” 8 U.S.C. 1182(a)(3)(B)(i)(VII). It is possible that renewed vetting of foreign students already admitted to the United States may reveal activity that renders them ineligible to hold a student visa and liable to deportation. *See, e.g.*, 8 U.S.C. 1227(a)(4)(B).

It is also important to bear in mind that anyone who “knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so” commits a federal crime. 18 U.S.C. 2339B(a)(1). This includes “speech to, under the direction of, or in coordination with foreign groups that the speaker knows to be terrorist organizations.” *Holder v. Humanitarian L. Project*, 561 U.S. 1, 26 (2010). First Amendment speech and associational freedoms do not protect persons who provide material support to these “particularly dangerous and lawless foreign organizations.” *Id.* at 39-40. Finally, state laws similarly criminalize providing material support to terrorists. *See, e.g.*, Ark. Code Ann. 5-54-202. Such laws may also provide a basis for removal. *See generally* 8 U.S.C. 1227.

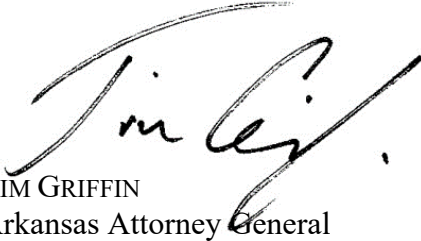
Conclusion

Washington's response to the Hebrew congregation at Newport recognized that “[t]he Government of the United States, which gives to bigotry no sanction, to persecution no assistance[,] requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support,” with the goal that “every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid.” *From George Washington to the Hebrew Congregation, supra*. That principle still applies today. Those who live under the protection of the United States government, including holders of student visas, must respect the basic rights of all to be free from the threat of terrorism.

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Therefore, in light of the recent, disturbing surge of antisemitic activity and threats of violence, we ask that you vigorously renew vetting of foreign student visa holders and promptly remove any who are found to have endorsed or espoused terrorist activity or provided material support to foreign terrorist organizations.

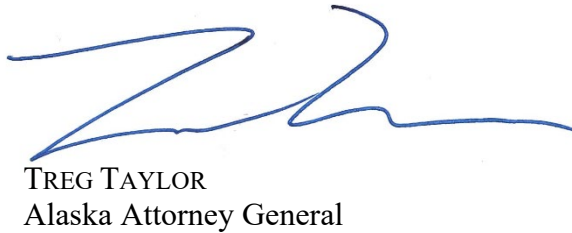
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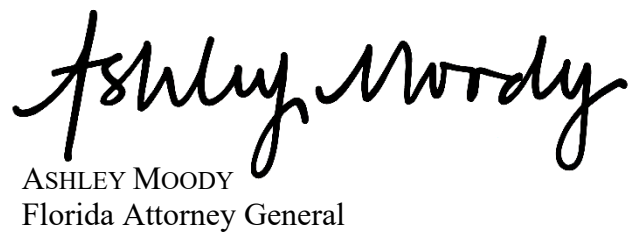
TIM GRIFFIN
Arkansas Attorney General



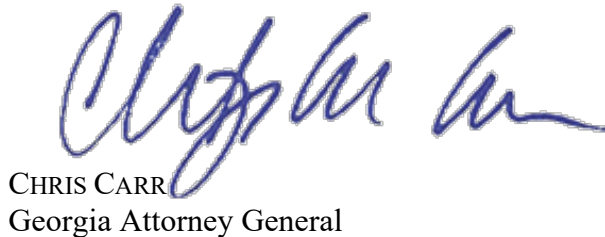
STEVE MARSHALL
Alabama Attorney General



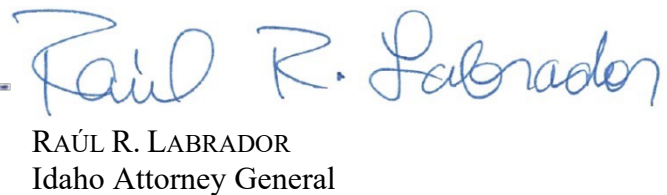
TREG TAYLOR
Alaska Attorney General



ASHLEY MOODY
Florida Attorney General



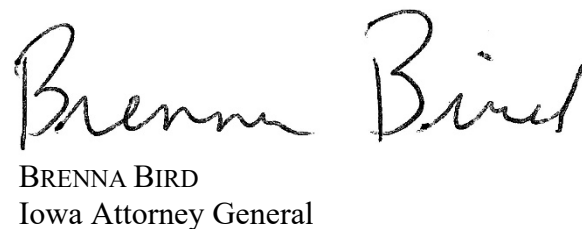
CHRIS CARR
Georgia Attorney General



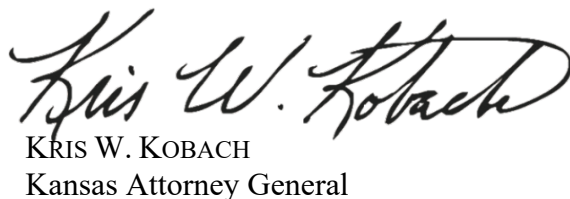
RAÚL R. LABRADOR
Idaho Attorney General




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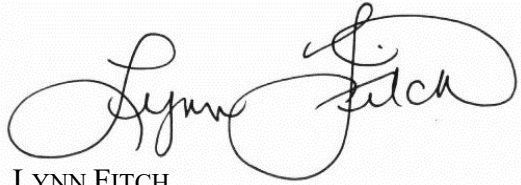
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