

Pro-Palestine Student Protesters Navigate Legal Hearings and Potential Penalties

Maddie Khaw : 8-10 minutes : 8/17/2024

Sebastian Rowan was taken to jail on a Wednesday evening. That Friday, he defended his Ph.D. dissertation proposal.

The University of New Hampshire graduate student was arrested in May when [police swept](#) a tent encampment students launched at a pro-Palestine protest on campus. Rowan was held overnight in jail, where he paced the cell practicing his thesis presentation, revising slides from memory. He was released around 4 p.m. the next day.

Rowan, 30, is among [at least 3,100 protesters](#) — many of them students — who were [arrested at demonstrations](#) this spring across [more than 100 campuses](#) and who have since juggled court hearings with classes and final exams.

Local prosecutors have handled charges against students differently. Some have [dropped charges entirely](#), while others are [pursuing felony charges](#) in some cases. Many students remain in prosecutorial limbo, awaiting court dates as legal offices review cases.

Rowan expects to be indicted on four misdemeanor charges — two for resisting arrest and two for assault, which received an enhanced penalty because the “target” was a police officer. For the latter, he said he could receive a maximum penalty of five years in prison. He denies these charges.

Rowan, who has a 2-year-old daughter, said he is now more cautious about attending protests. But he often recalls images he’s seen from Gaza, of children as young as his daughter beheaded and fathers like himself in despair.

“I don’t want to stop speaking out against this genocide,” he said. “I’m not really willing to be silent on it.”

Despite the repercussions, Rowan and other arrested students said they don’t regret their involvement in campus protests, which called on universities to disclose and divest from financial ties to Israel.

“It was worth it,” said Zachary Shortt, 22, a Dartmouth College student who was among [89 protesters arrested](#) by police in riot gear in May. His misdemeanor trespass charge was recently [reduced to a violation](#). “I thought that I did the right thing then, and I stand by that.”

Cora DiSolio, 24, a graduate worker at Vermont Law and Graduate School, was also arrested at Dartmouth. Although her trespass charge was dropped last month, the arrests — which she called “incredibly traumatizing” — have taken other tolls.

“I didn’t sleep for weeks, and I lost my appetite,” DiSolio said. “When I did sleep, I had crazy-ass nightmares about being held down by guards.”

In Atlanta, most Emory University students who were arrested in April await notification of court dates.

Twenty of the 28 people arrested at Emory were [students, alumni, faculty, or staff](#), according to Ibrahim, an undergraduate and vice president of Emory’s Students for Justice in Palestine chapter.

Although he wasn’t arrested, Ibrahim, who declined to share his last name due to fear of doxxing, called the arrests “harrowing and traumatic.” He described watching police tackle his friends and

unleash rubber bullets and tear gas.

Students throughout the country, [including at Emory](#), have called for administrations to drop charges against arrested students or ask prosecutors to do so. But once a university involves external law enforcement, charges are mostly out of the administration's hands, beyond limited persuasive power.

"As soon as you do that, you have very, very little say over what happens to your students," said Suad Abdel aziz, who coordinates defense efforts at the [Southern Center for Human Rights](#). The center paired 12 Emory students with movement lawyers after the arrests, Abdel aziz said.

Emory did not respond to a request for comment. But in a [May 6 student listening session](#), President Greg Fennes said Emory was "not pursuing being involved in the adjudication."

Although universities can't drop charges themselves, they can "absolutely" sway legal proceedings, said Zoha Khalili, a staff attorney at [Palestine Legal](#).

"I do think that universities can be very influential," Khalili said. "[Certain charges] hinge on the perspective of the university."

The University of Massachusetts Police Department is no longer pursuing charges against two students for felony incitement to riot and misdemeanor assault and battery, trespass, and failure to disperse.

A university spokesperson confirmed that the police department withdrew its application for complaint for all charges against both students "[upon further review](#)" but did not provide further reasoning. The withdrawal comes after [The Shoestring](#), a local news outlet in western Massachusetts, reported last week on the charges, prompting criticism from the university's Professional Staff Union.

If the university had continued to press charges, the students could have faced fines and incarceration — up to three and a half years for one student and up to six for the other.

The two students were not among the 132 people who were [arrested at the campus encampment](#) in May. But as leaders of UMass's SJP chapter, they had been highly vocal in calls for divestment throughout the year. Jack Godleski, the students' lawyer, claimed the UMass Police Department had singled his clients out for more severe charges, which he called "repulsive and shameful."

Khalili said the widespread arrests and subsequent charges have a web of ramifications. Criminal records can hinder students from securing employment, housing, or graduate school admittance. The justice system disproportionately harms more vulnerable populations, Khalili said, including people of color and transgender individuals. Those who are undocumented or on student visas could face deportation or interruptions to their education.

The First Amendment protects students' freedom of speech, but it isn't boundless, said David Keating, president of the [Institute for Free Speech](#).

"No matter how unjust the law is, you don't have a right to break it," Keating said. "If you get arrested, you have to be willing to accept the consequences of punishment ... That said, the important thing is that penalties for violations are reasonable."

In Washington, D.C., five George Washington University students may be banned from the neighborhood that encompasses their campus for six months after being [arrested along with 28 others](#) at GW's encampment in May.

One student who asked to remain anonymous said the students hope to negotiate exceptions that would allow them to avoid going to trial and get their charges dropped in six months while still being able to access dining halls, libraries, and other buildings on campus.

A campus ban preventing them from accessing such resources would be "completely unreasonable," the student said.

In an email statement, a university spokesperson said the District of Columbia is responsible for determining the scope of the stay-away order.

“GW’s position, which it previously expressed to the District of Columbia, is that if it wishes to impose a stay-away order, any enrolled student who has not been suspended by the university should be able to attend classes on campus,” the spokesperson said.

This could be decided at an Aug. 21 hearing, until which students remain uncertain. Despite this, the student stood by their decision.

“This is the right side of the horrors that we’re witnessing right now,” the student said. “No matter what happens to me, I’m doing whatever I can to make sure something infinitely worse ... doesn’t happen to somebody simply based on the fact that they were born a Palestinian.”

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