

# THE PALESTINE EXCEPTION TO FREE SPEECH

A Movement Under Attack in the US





Palestine Legal is an independent organization dedicated to protecting the civil and constitutional rights of people in the United States who speak out for Palestinian freedom. Founded in 2012, Palestine Legal provides legal advice, advocacy, and litigation support to college students, professors, grassroots activists, and affected communities who stand for justice in Palestine.

*Palestine Legal is a fiscally sponsored project of the Tides Center, a 501(c)(3) nonprofit organization.*



The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a nonprofit legal and educational organization committed to the creative use of law as a positive force for social change.



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If you would like to support Palestine Legal and CCR, go [palestinelegal.org](http://palestinelegal.org) or [CCRJustice.org](http://CCRJustice.org) to make a donation toward providing legal assistance to activists for Palestinian rights.



September 2015

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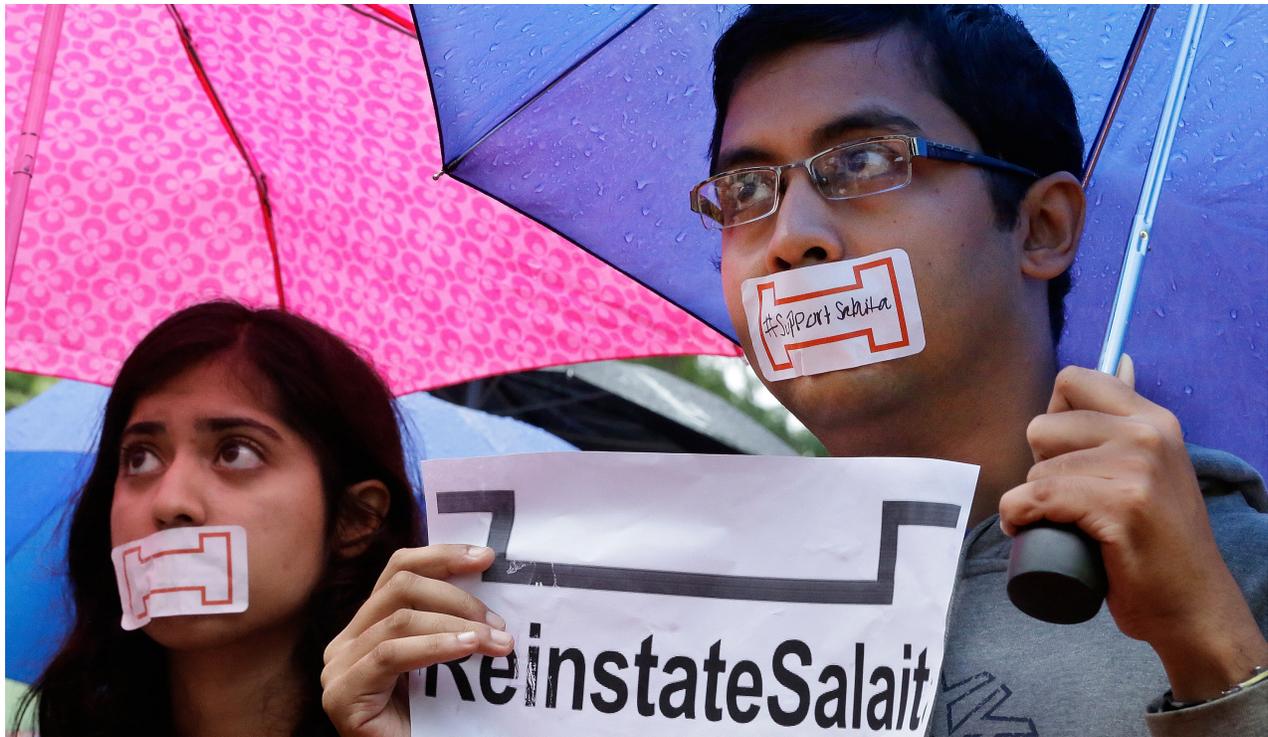
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# TABLE OF CONTENTS

<b>Executive Summary</b> .....	<b>4</b>
<b>Methodology</b> .....	<b>8</b>
<b>I. The Emergence of a Broad US Movement for Palestinian Human Rights</b> .....	<b>9</b>
<b>II. Chilling and Censoring of Palestine Advocacy in the United States</b> .....	<b>13</b>
A. ACTORS .....	14
1. Israel Advocacy Organizations .....	14
2. Universities and Other Institutions .....	16
3. Government Officials .....	17
B. TACTICS .....	17
1. False and Inflammatory Accusations of Antisemitism and Support for Terrorism .....	17
a) Monitoring and Surveillance to Facilitate Accusations .....	17
b) Equating Criticism of Israel With Antisemitism .....	18
c) False Accusations of Support for Terrorism .....	20
2. Official Denunciations .....	22
3. Bureaucratic Barriers .....	24
4. Administrative Sanctions .....	26
5. Cancellations and Alterations of Academic and Cultural Events .....	28
6. Threats to Academic Freedom .....	30
7. Lawsuits and Legal Threats .....	34
a) Anti-BDS Legal Attacks .....	34
b) Other Legal Claims .....	36
c) Title VI Discrimination Complaints and Allegations .....	36
8. Legislation .....	38
9. Criminal Investigations and Prosecutions .....	39
<b>III. The Legal Imperative to Protect Dissent</b> .....	<b>43</b>
<b>IV. Recommendations</b> .....	<b>45</b>
<b>Notes</b> .....	<b>47</b>
<b>Appendix: Campus Incidents</b> .....	<b>67</b>
<b>Appendix Notes</b> .....	<b>99</b>



AP Photo/Seth Perlman

Students participate in a protest in support of Professor Steven Salaita on September 9, 2014 at the University of Illinois at Urbana-Champaign.

## EXECUTIVE SUMMARY

Over the last decade, a dynamic movement in support of Palestinian human rights, particularly active in US colleges and universities, has helped raise public awareness regarding the Israeli government's violations of international law, as well as the role of corporations and the US government in facilitating these abuses. This activism, fueled by Israel's increasingly destructive assaults on Gaza, presents a robust and sustainable challenge to the longstanding orthodoxy in the United States that excuses, justifies, and otherwise supports discriminatory Israeli government policies.

Fearful of a shift in domestic public opinion, Israel's fiercest defenders in the United States—a network of advocacy organizations, public relations firms, and think tanks—have intensified their efforts to stifle criticism of Israeli government policies. Rather than engage

such criticism on its merits, these groups leverage their significant resources and lobbying power to pressure universities, government actors, and other institutions to censor or punish advocacy in support of Palestinian rights. In addition, high-level Israeli government figures, led by Prime Minister Benjamin Netanyahu, and wealthy benefactors such as Sheldon Adelson and Haim Saban have reportedly participated in strategic meetings to oppose Palestine activism, particularly boycott, divestment, and sanctions (BDS) campaigns.

These heavy-handed tactics often have their desired effect, driving institutions to enact a variety of punitive measures against human rights activists, such as administrative sanctions, censorship, intrusive investigations, viewpoint-based restriction of advocacy, and even criminal prosecutions. Such efforts intimidate activists for Palestinian human rights, chill criticism of

Israeli government practices, and impede a fair-minded dialogue on the pressing question of Palestinian rights.

This Report, the first of its kind, documents the suppression of Palestine advocacy in the United States. In 2014, Palestine Legal—a nonprofit legal and advocacy organization supporting Palestine activism—responded to 152 incidents of censorship, punishment, or other burdening of advocacy for Palestinian rights and received 68 additional requests for legal assistance in anticipation of such actions. In the first six months of 2015 alone, Palestine Legal responded to 140 incidents and 33 requests for assistance in anticipation of potential suppression. These numbers understate the phenomenon, as many advocates who are unaware of their rights or afraid of attracting further scrutiny stay silent and do not report incidents of suppression. The overwhelming majority of these incidents—89 percent in 2014 and 80 percent in the first half of 2015—targeted students and scholars, a reaction to the increasingly central role universities play in the movement for Palestinian rights.

The tactics used to silence advocacy for Palestinian rights frequently follow recognizable patterns. Activists and their protected speech are routinely maligned as uncivil, divisive, antisemitic, or supportive of terrorism. Institutional actors—primarily in response to pressure from Israel advocacy groups—erect bureaucratic barriers that thwart efforts to discuss abuses of Palestinian rights and occasionally even cancel events or programs altogether. Sometimes the consequences are more severe: universities suspend student groups, deny tenure to faculty, or fire them outright in response to their criticism of Israel. Meritless lawsuits and legal threats, which come from a variety of Israel advocacy groups identified in this Report, burden Palestinian rights advocacy and chill speech even when dismissed by the courts. Campaigns by such groups have even resulted in legislation to curtail Palestine advocacy, criminal investigations, and filing of charges against activists.

Specifically, the Report documents the following tactics employed to undermine advocacy for Palestinian rights.

**False and Inflammatory Accusations of Antisemitism and Support for Terrorism:** The Israel advocacy groups identified here devote considerable resources to monitoring the speech and activities of Palestinian rights

advocates and falsely accusing them of antisemitism, based solely on their criticism of Israeli policy, in order to undermine their advocacy. Such conflation silences meaningful conversation about Palestinian rights and distracts from genuine forms of hatred and antisemitism. Some groups also accuse Arab-American, Muslim, and other Palestine solidarity activists of supporting or sympathizing with terrorism—an inflammatory charge often lodged without evidence. In 2015, for example, the anonymously run website *Canary Mission* published a list of organizations and activists it accused of supporting terrorism, including campus chapters of the Muslim Student Association, which it refers to as a “virtual terror factory.” The website seeks to “expose” individuals and student groups as “anti-Freedom, anti-American and anti-Semitic” to schools and prospective employers.

**Official Denunciation:** In response to outside pressure, institutional actors sometimes pronounce official disapproval of the legitimate views and actions of Palestine advocates, frequently by unfairly characterizing Palestine activism, particularly support for BDS, as improperly “delegitimizing” Israel or as uncivil, divisive, or not conducive to dialogue. Such misleading framing, promoted by certain Israel advocacy groups and predominantly reserved for speech in support of Palestine, barely masks the officials’ underlying disagreement with the viewpoint of Palestine activists. In late 2014, for example, University of California president Janet Napolitano denounced a campaign which asked student government candidates to make an “ethics pledge” to refuse free trips from Israel advocacy groups as violating principles of “civility, respect, and inclusion.” Her predecessor, Mark Yudof, likened a peaceful protest against a talk by former Israeli soldiers to hanging nooses, drawing swastikas, and vandalizing a campus LGBTQIA center.

**Bureaucratic Barriers:** University officials routinely erect administrative obstacles or abruptly alter school policies so as to hamper student organizing for Palestinian rights. These measures include creating impediments to reserving rooms and forcing students to obtain advance approval for events, pay security fees, and attend mandated meetings with administrators. Though seemingly neutral, these policies sometimes target and frequently disproportionately burden speech

in favor of Palestinian rights. For example, in 2014, administrators at The City University of New York's (CUNY) College of Staten Island repeatedly called members of Students for Justice in Palestine and their faculty advisor into meetings to question them about events and social media postings, urged the group to hold events alongside Israel advocacy groups, and instructed members to submit promotional flyers for official authorization.

**Cancellations and Alterations of Academic and Cultural Events:** From campus lectures and community discussions to art and film exhibitions, public events critical of Israeli policy often come under attack, forcing organizers to cancel, move, or substantially alter the programs. Israel advocacy groups frequently contend that programs lack “balance” or are antisemitic. For example, in the spring of 2015, the Missouri History Museum decided, after receiving complaints from Israel advocacy organizations, that an event on solidarity between activists working for justice in Ferguson, Mexico, and Palestine could not proceed unless organizers removed references to Palestine. In 2012, the University of California's Hastings Law School withdrew its official support of a conference entitled “Litigating Palestine” after being pressured by Israel advocacy groups.

**Administrative Sanctions:** Universities often respond to complaints from Israel advocacy groups by investigating and disproportionately disciplining students and student groups for events and actions in support of Palestinian rights. For example, Loyola University Chicago launched an investigation into the school's chapter of Students for Justice in Palestine (SJP) in fall 2014, after students lined up at a Birthright Israel table to ask questions that highlighted the discriminatory nature of the program, which excludes non-Jews. After a lengthy investigation, university administrators ultimately suspended the SJP group for the remainder of the year for failing to register the “demonstration.” Yet the administration chose *not* to suspend the campus Hillel chapter for similarly failing to register its tabling event, instead merely requiring the chapter group to meet with administrators to review school policy. In spring 2014, Northeastern University in Boston suspended a student group after

members distributed flyers describing Israel's policy of demolishing Palestinian homes. Public outcry and the threat of legal action, however, forced the university to reverse course and reinstate the group.

**Threats to Academic Freedom:** Israel advocacy groups often target academics critical of Israeli policies or supportive of Palestinian rights. Campaigns against faculty — from Columbia University to the University of California at Los Angeles — sully reputations, instigate university investigations, and can even lead to termination of employment. For example, the University of Illinois at Urbana-Champaign, succumbing to pressure from Israel advocacy groups and donors, summarily dismissed Professor Steven Salaita from a tenured faculty position at the outset of the fall 2014 semester because it deemed his personal tweets criticizing Israel's 2014 assault on Gaza to be “uncivil.” San Francisco State University launched an investigation of Professor Rabab Abdulhadi in spring 2014, forcing her to defend a research trip to Palestine, after an Israel advocacy group accused her of abusing taxpayer funds and meeting with “known terrorists.” In fall 2014, the AMCHA Initiative, an Israel advocacy group, issued a blacklist of more than 200 Middle East Studies professors it declared to be “anti-Israel.”

**Lawsuits and Legal Threats:** Israel advocates also initiate lawsuits, administrative civil rights complaints, and other legal threats that hamper and intimidate advocates for Palestinian rights. Israel advocacy groups have filed at least six complaints with the Department of Education (DOE) asserting that, merely by tolerating campus events and protests that criticize Israeli policies, universities violate Title VI of the Civil Rights Act, which prohibits discrimination by programs receiving federal funds. Each of these complaints was ultimately dismissed. In 2011, five Olympia Food Co-op members, with the support of the Israel advocacy group StandWithUs, sued sixteen of the Co-op's board members for voting to boycott Israeli goods, claiming the board had exceeded its authority. Even when they do not succeed, these protracted legal battles drain emotional, financial, and organizing resources and generate bad publicity, driving some individuals and groups to refrain from openly supporting Palestinian rights.

**Legislation:** Lawmakers, sometimes at the behest of Israel advocacy groups, introduce legislation and resolutions to condemn or restrict Palestine advocacy, often by linking criticism of Israel to antisemitism. Eleven such measures were introduced in 2014 and at least another sixteen in the first half of 2015. Seven of the 2014 measures, including one in the US Congress, condemned the academic boycott of Israel after the American Studies Association (ASA) passed a boycott resolution. Some bills went further, proposing to defund universities that subsidized faculty involvement in associations that supported a boycott, like the ASA. In 2015, Congress passed a federal trade bill that included an anti-BDS provision, and Illinois became the first state to sign an anti-BDS measure into law. Legislative bodies passed resolutions condemning boycotts in Florida, South Carolina, Maryland, and Pennsylvania in 2014 and in Indiana, Tennessee, New York, and Pennsylvania again in 2015.

**Criminal Investigations and Prosecutions:** Local and federal law enforcement officials have questioned, investigated, and in some cases prosecuted Palestine rights advocates based on their speech criticizing Israel. For example, in spring 2014, police questioned three Northeastern University students in their homes after an affiliated student group distributed flyers about Israel's home demolition policies under dorm room doors. Three years earlier, prosecutors in Orange County, California initiated a rare criminal prosecution of students for peacefully protesting a speech by Israel's ambassador to the United States and obtained guilty verdicts against ten University of California, Irvine and Riverside students on the charge of disrupting a public meeting.

All of these tactics—individually and in the aggregate—threaten the First Amendment rights of people who seek to raise awareness about Palestinian human rights and challenge the dominant perspective in this country, which discounts Israel's discriminatory and violent government policies. They further undermine the traditional role of universities in promoting the free expression of unpopular ideas and encouraging challenges to the orthodoxies prevalent in official political discourse. Our constitutional tradition cannot tolerate an exception to the First Amendment simply because Palestinian human rights advocacy makes

powerful listeners uncomfortable. The remedy for speech with which one disagrees is more speech, not enforced silence.

Yet, like the successful political and social movements that preceded it, the movement for Palestinian human rights faces reactionary forces that deploy heavy-handed financial, legal, and administrative measures to intimidate the movement and discredit its ideas—ideas that seek to promote justice, equality, and accountability. Today's educational, governmental, and legal institutions should resist these tactics that attempt to punish, burden, or chill speech and advocacy supporting Palestinian rights or criticizing Israel. Instead, they should adhere to their stated commitments to provide space for open, robust debate on these vital issues of public concern.

Palestine Legal and the Center for Constitutional Rights (CCR) urge universities to review their policies to ensure that they protect academic freedom and to hear the concerns of students targeted by these attacks. Legislatures and government agencies, including the State Department and the DOE's Office for Civil Rights (OCR), should clearly distinguish between antisemitism and criticism of Israeli policies in their definitions, policies, and legislation. Activists should not be labeled as antisemites or supporters of terrorism based on their criticism of Israel.

Even in the face of a variety of repressive measures, the movement for Palestinian rights continues to draw strength from the force of its ideas and the real prospect that changes to US public opinion—and one day access to justice for the Palestinian people—are indeed possible. Legal, political, and educational institutions should permit this important debate to continue freely, lest they find themselves on the wrong side of history.

# METHODOLOGY

This Report is based primarily on documentation, research, and investigation carried out by Palestine Legal, a legal and advocacy organization that protects the rights of Palestinian human rights activists in the United States. Palestine Legal accepts “intakes” from individuals and groups who report or request assistance with incidents of suppression or retaliation for their activities in support of Palestinian human rights. Palestine Legal carefully documents the facts and provides advice, referrals, and/or representation to the requestors.

The term “incidents” in this Report refers to actions to censor, punish, or otherwise burden advocacy for Palestinian rights. This definition includes actions by public actors such as universities, government officials, or agencies and by private actors like Israel advocacy organizations. The Report also documents requests for legal assistance in anticipation of actions to censor, punish, or otherwise burden advocacy for Palestinian rights.

The Report classifies incidents into specific subcategories, reflecting common patterns and tactics of suppression, though incidents often fall into multiple categories:

- False and Inflammatory Accusations of Antisemitism and Support for Terrorism
- Official Denunciation
- Bureaucratic Barriers
- Cancellations and Alterations of Academic and Cultural Events
- Administrative Sanctions
- Threats to Academic Freedom
- Lawsuits and Legal Threats
- Legislation
- Criminal Investigations and Prosecutions

Palestine Legal conducts its intakes confidentially. This Report and Appendix detail only those incidents that have been publicly reported or that affected individuals have permitted Palestine Legal to report. The Report also highlights incidents that took place prior to Palestine Legal’s founding in 2012. While the body of the Report includes both on- and off-campus incidents reported directly to or documented by Palestine Legal, the Appendix consists of a nonexhaustive catalogue of exclusively campus-related incidents. While the Report references many of the incidents in the Appendix, the Appendix provides additional information, sources, and responses to the incidents. More details about the campus incidents discussed in this Report can be found in the Appendix, listed by school name.

Palestine Legal and CCR selected cases for inclusion in the Report and Appendix based on the extent of available documentation, the representativeness of the incident, and the willingness of individuals involved to come forward in the absence of publicly available information. In investigating and documenting cases, Palestine Legal and CCR consulted a range of primary and secondary sources, including the accounts of the activists and advocacy organizations involved and reports by mainstream and alternative media sources.

# THE EMERGENCE OF A BROAD US MOVEMENT FOR PALESTINIAN HUMAN RIGHTS

For decades, US policymakers have largely taken positions favorable to Israel on deeply contested issues around the Israeli occupation of Palestinian land, Israeli settlements, and other Israeli government policies and actions. US political support for Israel manifests itself—subject to slight variations across presidential administrations or legislators—in unparalleled military aid,<sup>1</sup> routine vetoes of measures in the United Nations Security Council addressing Israel’s human rights violations,<sup>2</sup> and attempts to shield Israel from scrutiny.<sup>3</sup> Members of Congress have shown particularly strong support for the Israeli government, as evidenced by the unprecedented invitation to Prime Minister Benjamin Netanyahu to address the Congress during his 2015 reelection campaign, over the opposition of President Barack Obama.<sup>4</sup> In conjunction with media coverage that typically tilts in Israel’s favor<sup>5</sup> and the significant political clout of the pro-Israel lobby,<sup>6</sup> US public opinion has long looked favorably on Israel and negatively on Palestinians.<sup>7</sup>

These dynamics cause those who dissent from the prevailing view of Israel’s policies to endure significant political backlash.<sup>8</sup> Former president Jimmy Carter experienced this backlash upon publishing his book *Palestine: Peace, Not Apartheid*,<sup>9</sup> as did former UN Special Rapporteur and Princeton professor Richard Falk for his strong criticism of Israel.<sup>10</sup> This Report provides further, substantial evidence of that backlash.

Public support for Palestinian rights does exist outside the political establishment, primarily at a grassroots level—much like the protest movement against South African apartheid in the 1980s.<sup>11</sup> The Israeli military attack on Gaza in July 2014, like the military campaigns before it, led to a worldwide outpouring of support



Adalah-NY

Activists with Adalah-NY engage in anti-apartheid holiday caroling in front of settlement builder Lev Leviev’s jewelry store in New York City, 2013.

and solidarity with Palestinians, as tens of thousands protested<sup>12</sup> the Israeli assaults that caused widespread devastation in Gaza.<sup>13</sup> Credible human rights organizations have carefully documented numerous Israeli violations of human rights and international



S. Damra

Students from across the country gather for the 2014 annual National Students for Justice in Palestine conference in Boston, MA.

law—such as the incarceration of around 5,500 Palestinians in Israeli prisons;<sup>14</sup> detention of hundreds of Palestinians, including at least 164 children, without charge or trial;<sup>15</sup> denial of freedom of movement to Palestinians;<sup>16</sup> continued construction of settlements on occupied Palestinian land;<sup>17</sup> regular military and settler violence against Palestinians;<sup>18</sup> and the second-class status of Palestinian citizens of Israel.<sup>19</sup> This documentation has contributed to the blossoming of informed, grassroots activism in support of Palestinian human rights over the last fifteen years.

Specifically, Palestinian solidarity movements inside and outside the US have coalesced around the 2005 Palestinian civil society call for BDS against Israel until it ends the occupation, guarantees equal rights for Palestinian citizens of Israel, and respects the right of refugees to return to their homes.<sup>20</sup> BDS campaigns have achieved increasing success, as major institutions like the Presbyterian Church (USA) and the Bill Gates Foundation have divested from companies that contribute to Israeli human rights violations<sup>21</sup> and numerous student groups have passed resolutions calling upon their universities to divest.<sup>22</sup> Corporate BDS targets like SodaStream and Veolia have suffered major losses as a result of boycott and divestment campaigns.<sup>23</sup>

The movement has seen particularly significant growth on college and university campuses, where SJP and allied groups organize activities, ranging from scholarly talks and cultural events to protests and direct actions, that have increased discussion of Israel's rights abuses. SJP groups have succeeded in building relationships with other social justice and human rights student groups, as their views often overlap with various realms of political activism, including immigrants' rights, feminism, LGBTQIA activism, racial justice and student of color organizing, socialism, and environmentalism.<sup>24</sup> Many SJP chapters also regularly partner with other movements for change, including the Occupy and Black Lives Matter movements, to issue joint statements, organize events, and explore connections between their social justice advocacy efforts.<sup>25</sup> A series of national student conferences, starting as early as 2005, have brought together SJPs from across the country and led to the creation of an informal national SJP structure that serves as a resource for more than a hundred autonomous SJPs and other groups across the country.<sup>26</sup> Many SJP groups describe themselves as diverse collections of students, faculty, and staff.<sup>27</sup>

*In addition to the dynamic campus movement, hundreds of grassroots groups and organizations across the country work at the community level to raise awareness about the situation in Israel and Palestine.*

Academics also play an important part in this burgeoning movement through engaging in scholarship and teaching, endorsing academic boycotts of Israeli institutions, and organizing and sponsoring academic discussions relating to Israel and Palestine. For example, thousands of scholars pledged to boycott the University of Illinois at Urbana-Champaign (UIUC) after it dismissed Professor Steven Salaita from a tenured faculty position for his personal tweets about Israel's assault on Gaza in July 2014. (See Appendix entry for University of Illinois.) Additionally, prominent academic associations such as the ASA have passed resolutions supporting the boycott of Israeli academic institutions and maintained them despite legal and legislative attacks.

In addition to the dynamic campus movement, hundreds of grassroots groups and organizations across the country work at the community level to raise awareness about the situation in Israel and Palestine through educational activities and boycott campaigns. For example, Adalah-NY, a "volunteer-only group of concerned individuals that advocates for justice, equality, and human rights for the Palestinian people,"<sup>28</sup> has engaged in a sustained advocacy campaign against Israeli settlement builder Lev Leviev.<sup>29</sup> In a demonstration of cross-movement activism, the Block the Boat movement, a joint effort of Palestine solidarity and labor activists, stopped Israeli ships from unloading in Oakland and Los Angeles during Israel's summer 2014 military campaign in Gaza.<sup>30</sup>

Palestinian rights activists from the US often go to Palestine in a show of solidarity with Palestinians under occupation, and some have been gravely injured and even killed by the Israeli government while defending the human rights of Palestinians.<sup>31</sup> In 2003, twenty-

three-year-old Rachel Corrie traveled to Gaza with the International Solidarity Movement. As she stood in front of a home to protect it from demolition while the family was inside, an Israeli soldier operating a Caterpillar D9 bulldozer drove over her, killing her.<sup>32</sup> In 2010, Israeli soldiers repeatedly shot and killed eighteen-year-old US citizen Furkan Doğan, who was participating in the Flotilla to Gaza.<sup>33</sup> Israel failed to conduct thorough, credible, and transparent investigations in both cases,<sup>34</sup> and the US government has failed to investigate<sup>35</sup> and demand justice.<sup>36</sup>

A handful of small national organizations also focus on Palestinian rights. These include a growing number of Jewish organizations that reject right-wing Israel organizations' claims to represent the entire US Jewish community in uncritically supporting Israeli government practices, such as Jewish Voice for Peace,<sup>37</sup> Jews Say No,<sup>38</sup> the International Jewish Anti-Zionist Network,<sup>39</sup> and Open Hillel.<sup>40</sup> Other organizations include faith-based and secular advocacy groups like the American Friends Service Committee,<sup>41</sup> American Muslims for Palestine,<sup>42</sup> and the US Campaign to End the Israeli Occupation.<sup>43</sup> On some campuses, Muslim Student Association chapters organize events focused on Palestinian rights and Israel's policies, such as Palestine Awareness Week.<sup>44</sup> Organizations that oppose Palestine activism have lamented the diverse and decentralized nature of this growing movement.<sup>45</sup>



Columbia Students for Justice in Palestine

Students from across the country gather for a session at the 2011 National Students for Justice in Palestine conference in New York City.

Students, academics, and community groups engage in a wide range of activities to raise awareness about issues relating to Israel and Palestine, including:

## Educational and cultural programming

Students, academics, and community members regularly host guest speakers and organize film screenings, conferences, concerts, art exhibitions, theatrical performances, poetry readings, and other events to raise awareness about the Palestinian experience and Palestinian culture to various audiences.

## BDS campaigns

BDS campaigns largely consist of efforts to push universities and other institutions to divest from or boycott companies that facilitate rights abuses or violations of international law in Israel and the Occupied Palestinian Territory. Inspired by the anti-apartheid campaigns of the 1980s, these divestment campaigns have proliferated on campuses through student body resolutions and referenda. Several such resolutions and referenda have passed after long and passionate debates among the student body,<sup>46</sup> despite intervention by off-campus Israel advocacy groups.<sup>47</sup> The student governments of at least twenty-five universities across the United States have passed divestment resolutions.<sup>48</sup> The student bodies on at least nine campuses voted to divest in the 2014–15 academic year alone.<sup>49</sup> Other BDS campaigns include petitioning and holding street-theater actions in stores to convince businesses to remove products produced in Israeli settlements from shelves, organizing campaigns to dissuade artists from performing in Israel, and participating in boycotts of Israeli academic institutions.<sup>50</sup>

## Peaceful protests against pro-Israel speakers

Activists have also sought to raise awareness about Palestinian rights violations by protesting when officials, soldiers, or other high-profile Israel advocates speak at universities or in other public forums, sometimes as honored guests.<sup>51</sup> Protest tactics include interrupting speakers, unfurling banners, asking pointed questions during question-and-answer sessions, walking out en

masse from events, and holding demonstrations and street-theater actions outside event venues.

## Mock checkpoints, evictions, and apartheid walls

Student groups also regularly hold creative actions to raise awareness about the discrimination and abuse Palestinians endure. In several instances, students have constructed mock walls or staged mock checkpoints, dressing as Israeli soldiers and Palestinian civilians to illustrate how Israeli forces segregate, line up, harass, and detain Palestinians. In other instances, student activists have distributed informational flyers that mimic the eviction notices Palestinians receive before Israeli authorities demolish their homes.

## Fundraisers

Students and community groups often hold events to raise money for charities or nonprofits that provide humanitarian aid to Palestinian civilians in need or engage in human rights advocacy on behalf of civil society, and to support specific causes like the US Boat to Gaza, part of the 2011 Freedom Flotilla, which sought to break the blockade of Gaza.

**EVICTION NOTICE**

We regret to inform you that your suite is scheduled for demolition in three days.

*If you do not vacate the premise by midnight on 25 April, 2014 we reserve the right to destroy all remaining belongings. We cannot be held responsible for property or persons remaining inside the premises. Charges for demolition will be applied to your student account.*

Eviction notices are routinely given to Palestinian families living under Israeli occupation for no other reason than their ethnicity. Forced evictions are arbitrary, racist, humiliating, and in violation of Article 53 of the Fourth Geneva Convention.

Palestinian homes are destroyed as part of the state of Israel's ongoing attempts to ethnically cleanse the region of its Arab inhabitants and maintain an exclusively "Jewish" character of the state. By destroying Palestinian homes, the state makes room for illegal Israeli settlements. The Israeli government itself describes this process as "Judaization."

The United States government, American corporations, and NYU faculty pension funds support these policies through foreign aid and investment.

 27,000 Palestinian homes have been destroyed since 1967.

 160,000 Palestinians have been left homeless as a result of these policies.

**THIS IS NOT A REAL EVICTION NOTICE.**  
This is intended to draw attention to the reality that Palestinians confront on a regular basis.  
Source: The Israeli Committee Against House Demolitions  
[www.icahd.org](http://www.icahd.org)

New York University Students for Justice in Palestine

New York University SJP distributed mock eviction notices to two NYU residence halls in April 2014.



Northeastern Students for Justice in Palestine

Northeastern University suspended its SJP chapter after the group distributed mock eviction flyers to raise awareness about Israeli home demolitions.

# CHILLING AND CENSORING OF PALESTINE ADVOCACY IN THE UNITED STATES

In reaction to the growing movement for Palestinian rights, a number of organizations that staunchly support Israeli policy have sought to suppress and silence criticism of Israel through a broad range of tactics. From January 2014 through June 2015, Palestine Legal interviewed hundreds of students, academics, and community activists who reported being censored, punished, subjected to disciplinary proceedings, questioned, threatened, or falsely accused of antisemitism or supporting terrorism for their speech in support of Palestinian rights or criticism of Israeli policies.

In 2014, Palestine Legal responded to 152 incidents of censorship, punishment, or other burdening of advocacy for Palestinian rights and 68 requests for legal assistance in anticipation of such actions. The organization responded to 140 such incidents and 33 such requests for assistance in anticipation of potential suppression in the first six months of 2015, the vast majority (89 percent in 2014, 80 percent in 2015) involving college students, university professors, or academic associations.

Because these incidents often involve recognizable patterns in strategies and tactics, the Report classifies them in the following categories:

- False and Inflammatory Accusations of Antisemitism and Support for Terrorism
- Official Denunciations
- Bureaucratic Barriers
- Administrative Sanctions
- Cancellations and Alterations of Academic and Cultural Events
- Threats to Academic Freedom
- Lawsuits and Legal Threats
- Legislation
- Criminal Investigations and Prosecutions

*The fear of punishment or career damage discourages many activists from engaging in activities that could be perceived as critical of Israel.*

These strategies of suppression often have their intended effect: intimidating or deterring Palestinian solidarity activists from speaking out. The fear of punishment or career damage discourages many activists from engaging in activities that could be perceived as critical of Israel. For example, several students told Palestine Legal that they feared that false accusations of antisemitism or supporting Hamas (designated as a terrorist organization by the US government) would hinder their ability to find a job or travel.<sup>52</sup> The speech activities of Palestinian-American, Arab-American, and Muslim students routinely subject them to heightened harassment, intimidation, and discriminatory treatment in the midst of a post-9/11 climate in which their communities already face infringements of their civil liberties.<sup>53</sup>

The Report seeks to identify and criticize the ways certain groups staunchly supportive of Israel choose to stigmatize, silence, and suppress constitutionally protected activism that promotes Palestinian human rights or criticizes Israeli policies. The Report does not address advocacy in support of Israeli government practices that does not seek to suppress differing viewpoints. Any conflation of these distinct concepts merely evidences a failure to apprehend the free speech principles this Report sets out to defend.

## ACTORS

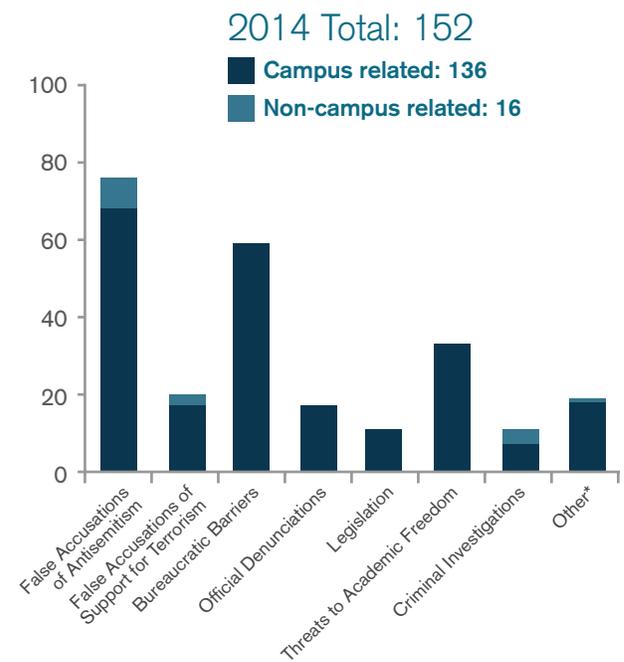
### Israel Advocacy Organizations

A network of lobbying groups, watchdog groups, public relations entities, and advocacy groups funded by, working in coordination with, and/or staunchly supportive of the policies and practices of the Israeli government primarily drives efforts to silence speech on behalf of Palestinian rights. Organizations dedicated to countering Palestinian rights activism—often in ways that seek to unlawfully suppress protected speech, as detailed in this Report—have proliferated in response

to the increasing effectiveness of the movement for Palestinian rights. Prominent groups engaged in suppression include the Louis D. Brandeis Center for Human Rights Under Law (Brandeis Center), the Zionist Organization of America (ZOA), the AMCHA Initiative, Hillel International, Shurat HaDin-Israel Law Center, StandWithUs, the Anti-Defamation League (ADL), the American Israel Public Affairs Committee (AIPAC), the Jewish Federations of North America, the Jewish Council for Public Affairs, Scholars for Peace in the Middle East, the American Jewish Committee, the Committee for Accuracy in Middle East Reporting in America (CAMERA), Divestment Watch, the Israel on Campus Coalition, Campus Watch, the David Project, and the David Horowitz Freedom Center.<sup>54</sup>

These groups are not monolithic and pursue distinct strategies to suppress speech critical of Israel. Hillel International, the largest Jewish campus organization in the world, prohibits campus Hillel affiliates from

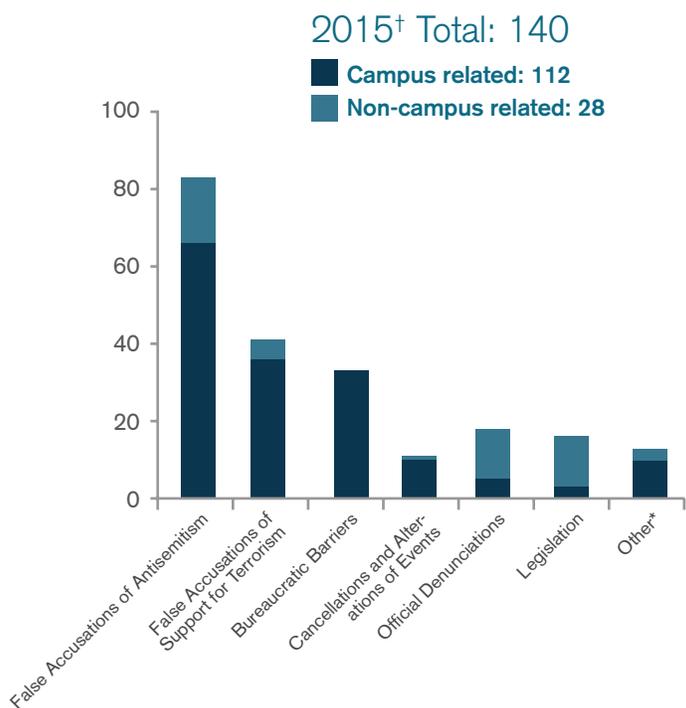
### INCIDENTS OF SUPPRESSION RESPONDED TO BY PALESTINE LEGAL, BY TACTIC



\*Cancellations and Alterations of Events, Administrative Sanctions, Lawsuits and Legal Threats

Incidents often fall in multiple categories, therefore totals by tactic exceed the total number of incidents.

## INCIDENTS OF SUPPRESSION RESPONDED TO BY PALESTINE LEGAL, BY TACTIC



\*Threats to Academic Freedom, Lawsuits and Legal Threats, Criminal Investigations

<sup>†</sup> January 1, 2015–June 30, 2015

Incidents often fall in multiple categories, therefore totals by tactic exceed the total number of incidents.

hosting speakers supportive of BDS.<sup>55</sup> The Brandeis Center, which focuses on confronting the “resurgent problem of anti-Semitism and anti-Israelism on university campuses,”<sup>56</sup> the AMCHA Initiative, and ZOA have filed complaints alleging violations of Title VI of the Civil Rights Act of 1964, arguing that speech critical of Israel creates a hostile educational environment for Jewish students (see section B, part 7c). AMCHA and the David Project have mounted campaigns to malign individual students and faculty members.<sup>57</sup> StandWithUs, which boasts of a “sizeable team . . . dedicated to supporting students’ efforts to promote and defend Israel amid the virulent anti-Israel movement on college campuses,”<sup>58</sup> reportedly works closely with the Israeli government<sup>59</sup> and keeps dossiers on pro-Palestinian speakers.<sup>60</sup> Shurat HaDin, an Israel-based organization that “fight[s] academic and economic boycotts and challeng[es] those who seek to delegitimize the Jewish State,”<sup>61</sup> acknowledges working with Israeli intelligence agencies and law enforcement<sup>62</sup> and has

threatened or initiated legal action against several organizations that have contemplated or passed BDS initiatives, including the Presbyterian Church (USA), the ASA, and the Park Slope Food Coop.<sup>63</sup> While more mainstream groups sometimes criticize activities of groups that occupy the far right of the spectrum,<sup>64</sup> their collective efforts to suppress speech produce the same effect: suspicion and heightened scrutiny of individuals critical of Israeli government actions toward Palestinians.

These groups spend considerable time and resources combating what they deem to be efforts to “delegitimize” Israel. The “delegitimization” framing, which the Israeli government and many US officials have adopted,<sup>65</sup> allows Israel advocacy organizations to cast criticism of Israeli state practices as a challenge to the state’s “right to exist.” The Reut Institute, an Israeli think tank, characterized the BDS movement itself as a “delegitimization challenge” and an “existential threat” in a 2010 paper.<sup>66</sup> The Reut Institute recommended that Israel respond by “sabotag[ing] [delegitimization] network catalysts”<sup>67</sup> and “attack[ing] catalysts”<sup>68</sup>—that is, those who question Israel’s policies and practices. Building on the Reut Institute’s suggestions, Israel advocacy groups have committed vast resources to responding to “delegitimization challenges.”

In October 2010, the Jewish Federations of North America and the Jewish Council for Public Affairs launched the Israel Action Network, a \$6 million campaign to counter “delegitimization” activities and monitor groups advocating for Palestinian rights through BDS and other actions.<sup>69</sup> The Jewish Agency for Israel declared in 2013 that it was developing a plan that would eventually commit \$300 million to this effort and “would combine donor dollars from the United States with Israeli government funds to create what is likely the most expensive pro-Israel campaign ever.”<sup>70</sup> In June 2015, casino mogul Sheldon Adelson and media proprietor Haim Saban convened a summit that reportedly raised “at least \$20 million” to combat BDS efforts.<sup>71</sup>

The Israeli government itself identified “delegitimization” as a threat and set aside resources to combat it.<sup>72</sup> Prime Minister Benjamin Netanyahu reportedly convened a meeting of top Israeli ministers



SJP displays a mock wall at the University of Illinois at Urbana-Champaign in April 2012.

in February 2014 to discuss ways to combat the BDS movement. The officials discussed using lawsuits “in European and North American courts against [pro-BDS] organizations,” “legal action against financial institutions that boycott settlements . . . [and complicit] Israeli companies,” and “encouraging anti-boycott legislation in friendly capitals around the world.”<sup>73</sup> Officials understood that undertaking such efforts would require “activat[ing] the pro-Israel lobby in the US.”<sup>74</sup>

These Israel advocacy organizations, many of which have operated for decades, are increasingly focused on countering the Palestine solidarity movement, BDS, and campus activism in particular.

## Universities and Other Institutions

As universities have become ground zero in the clash between advocates for Palestinian human rights and the counter-campaign to silence criticism of Israel, university administrators have emerged as key decision-makers regarding whether to condemn, limit, or sanction Palestine advocacy. Universities, along with other institutions that host or sponsor events related to Palestinian rights, often come under substantial pressure from Israel advocacy organizations able to

mobilize donors, community members, and sympathetic media. As detailed throughout the Report, university administrations have canceled programs, sanctioned students, fired professors, and scrutinized departments in response to external pressure. In so doing, universities treat students who speak out on Palestine differently than other students, indicating that the viewpoint of the speech, and not the facially neutral explanations often put forward, drives the censorship. Viewpoint-based restrictions at public institutions, including universities, violate the First Amendment.

*university administrations have canceled programs, sanctioned students, fired professors, and scrutinized departments in response to external pressure.*

Other institutions have similarly acceded to pressure from Israel advocacy organizations by canceling events and otherwise closing off forums for discussion and debate on Palestinian human rights.

## Government Officials

US government actors have also contributed to the suppression of advocacy for Palestinian rights. The executive branches of federal and local governments, which include local police, the Department of State, the Department of Education, the Federal Bureau of Investigation (FBI), and the Department of Homeland Security (DHS), as well as other law enforcement agencies and prosecutors' offices, have engaged in targeted surveillance, investigations, raids, and criminal prosecutions on the basis of Palestine advocacy. Lawmakers have proposed and passed legislation that impinges upon free speech and other civil liberties. These activities sometimes take place with significant encouragement and input from Israel advocacy groups and Israeli officials.

## TACTICS

### False and Inflammatory Accusations of Antisemitism and Support for Terrorism

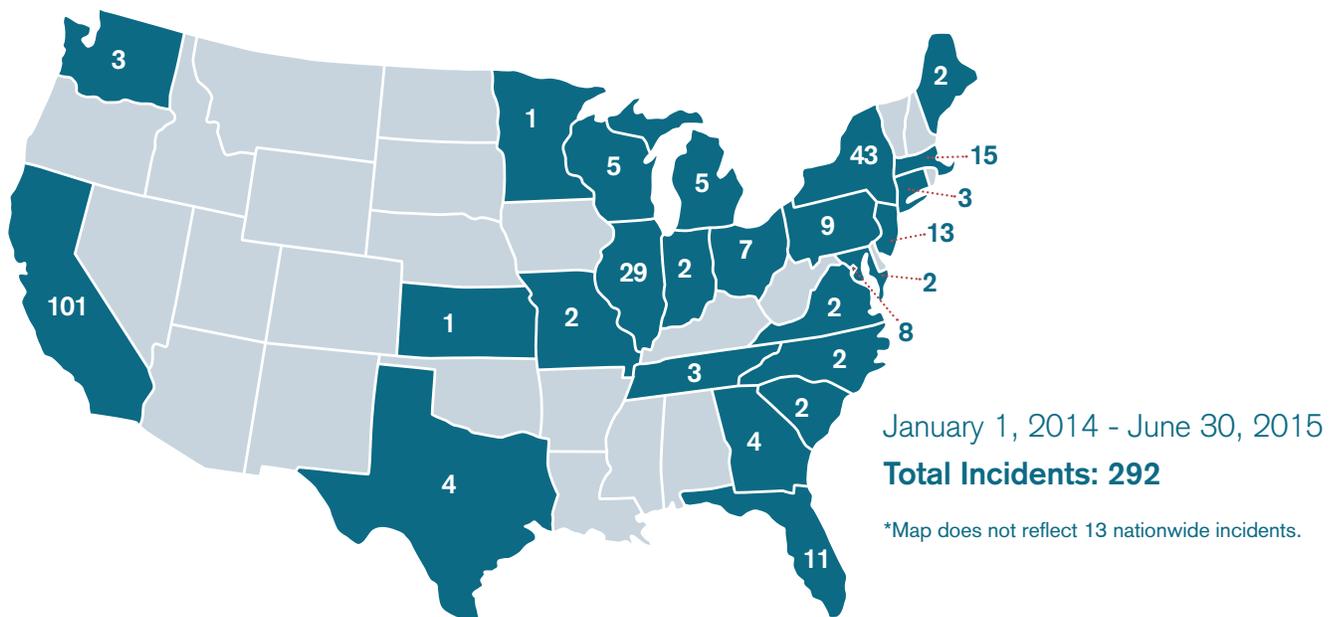
The primary tool in the arsenal of Israel advocacy organizations is public vilification of supporters of Palestinian rights—and their advocacy campaigns—as antisemitic or pro-terrorism. These accusations subject students, scholars, and other advocates to significant

personal and professional harm and deter many from publicly criticizing Israel's actions. Character attacks also force students and scholars to spend significant time combating accusations that could ruin their careers. As one student who was falsely accused of associating with terrorists noted, "the underlying message" is "that if you speak out too loudly or work too hard . . . anti-Palestinian activist[s] will smear you just like [they] tried to smear me."<sup>75</sup> Even where the threat does not result in self-censorship, accusations of antisemitism and support for terrorism often persuade campus authorities to restrict or punish protected speech.

### Monitoring and Surveillance to Facilitate Accusations

To facilitate false accusations of antisemitism and support for terrorism, Israel advocacy organizations monitor Palestinian rights advocates on social media, scrutinize them in public, and sometimes infiltrate private settings. Through social media monitoring, organizations identify out-of-context quotations, Facebook posts, and other material that can serve as fodder for character attacks. For example, in January 2015, the Reut Institute reportedly held a "hackathon," in which Israeli officials and a number of other Israeli advocacy groups participated, aimed at exploring ways to gather intelligence on and target individuals involved in Palestine solidarity work.<sup>76</sup> In its June 2015 strategy document, the Reut Institute highlighted the need to

## TOTAL INCIDENTS RESPONDED TO BY PALESTINE LEGAL, BY STATE



“out-name-shame the delegitimizers” as a strategy to fight BDS, recommending the use of “all available fire-power—financial, social, legal, etc.”<sup>77</sup>

In spring 2015, an anonymously run website, *Canary Mission*, published names, photos, biographical information, and links to Facebook profiles for dozens of students, professors, and other activists in order “to expose individuals and groups that are anti-Freedom, anti-American and anti-Semitic” to schools and prospective employers.<sup>78</sup> *Canary Mission* relies on little or no evidence, using innuendo and guilt by association to accuse dedicated activists and organizations of connections to terrorism. Campus Watch, led by far-right Israel activist David Horowitz, has long engaged in such activities, maintaining and publishing dossiers on students and faculty and urging readers to “alert university stakeholders” to the “problems in Middle East studies.”<sup>79</sup> Organizations like StandWithUs also reportedly keep dossiers on activists.<sup>80</sup>

*The primary tool in the arsenal of Israel advocacy organizations is public vilification of supporters of Palestinian rights—and their advocacy campaigns—as antisemitic or pro-terrorism.*

Students and other activists have reported being videotaped and photographed at demonstrations and other events for Palestinian rights. Students at DePaul University, for example, told Palestine Legal that an Israeli consular entourage videotaped and photographed them as they canvassed campus during a divestment referendum campaign. (See Appendix entry for DePaul University.) Such surveillance can affect students of Palestinian origin in particular, some of whom have expressed concern that documentation of their Palestine rights advocacy may lead Israel to deny them entry to visit family in Israel and Palestine.<sup>81</sup>

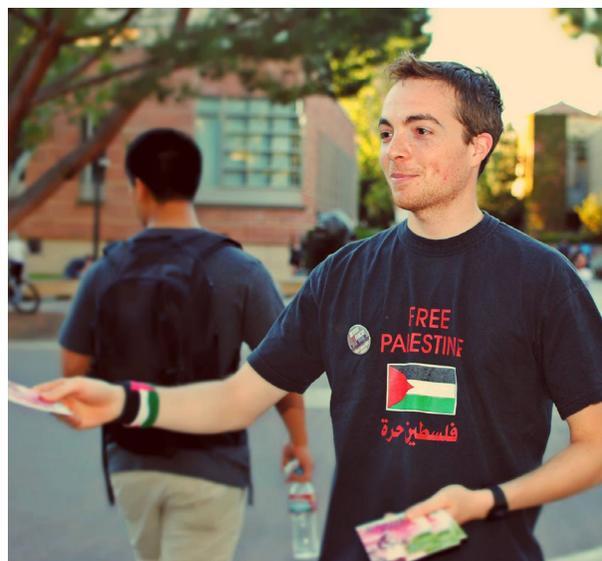
Surveillance also sometimes goes beyond public monitoring and involves in-person infiltration of

student groups in private settings. In one instance, leaked documents revealed that a student spying for the AMCHA Initiative at UC Santa Cruz traveled as part of a university-sponsored student delegation to Israel and Palestine. The student wrote a confidential report to AMCHA that included details about other delegation participants, including reflections about the trip posted to a private group on social media.<sup>82</sup> In another instance, someone reporting for David Horowitz’s website, *Jew Hatred on Campus*, attended an SJP meeting at UCLA and published notes, including students’ comments about how to respond to posters that branded SJP as an antisemitic, pro-terrorist organization. (See Appendix entry for UCLA.)

### **Equating Criticism of Israel with Antisemitism**

False and inflammatory allegations of antisemitism underlie many attacks on Palestinian rights activists in the United States. Of the 152 incidents Palestine Legal responded to in 2014, 76 (50 percent) involved accusations of antisemitism based solely on speech critical of Israeli policy; in the first six months of 2015, 83 of 140 incidents (59 percent) involved false accusations of antisemitism. Accusations of antisemitism chill discussion and debate on Israel/Palestine.

In two cases during the spring semester of 2015, for example, students were blocked from even discussing boycott and divestment. At the University of Toledo (UT)



Angélica Becerra

A student with SJP distributes flyers during “Palestine Awareness Week” in November 2014 at the University of California, Los Angeles.

in Ohio, Israel advocacy groups claimed that a divestment resolution would create an antisemitic environment on campus.<sup>83</sup> In response, the UT student government barred the public's attendance at a divestment hearing, in violation of Ohio's Open Meetings Act; restricted the attendance of SJP members, forcing them to sit in a separate room from Hillel students; and blocked student senators from voting on the resolution. After significant outcry, the student government allowed the resolution to go forward; it passed overwhelmingly. (See Appendix entry for University of Toledo.) At Northeastern University, the student government blocked the student body from voting on a divestment referendum because students, backed by Israel advocacy groups, argued that discussing divestment would in and of itself create an antisemitic climate.<sup>84</sup>

In some cases, Israel advocacy groups even charge that academic content covering Palestinian history, culture, or social movements is antisemitic. For example, in spring 2015, AMCHA demanded the cancellation of a student-led course at UC Riverside called "Palestinian Voices," which sought to explore "Palestinian voices through contemporary literature and media."<sup>85</sup> The course assigned reading materials that focused on Palestinian historical narratives, literature, and cultural production and included readings by Edward Said and Rashid Khalidi, as well as a spectrum of Israeli Jewish writers, from Benny Morris and Eyal Weizman to David Grossman and Neve Gordon. AMCHA argued that the course's "clear intent [was] to politically indoctrinate students to hate the Jewish state and take action against it."<sup>86</sup> While the university allowed the course to go forward, the student instructor became the target of anti-Muslim hate mail and misogynist cyberbullying as a result of the campaign.<sup>87</sup> (See Appendix entry for UC Riverside.)

AMCHA similarly objected to Palestine-related course material at UCLA in spring 2012, arguing that the inclusion of BDS-related links on the website of a course taught by Professor David Shorter violated university policy and state and federal law. After receiving several letters from AMCHA that claimed the BDS materials were akin to antisemitism, the chair of UCLA's Academic Senate conducted an investigation without notifying Professor Shorter and shared

disputed information about the investigation with the press. The Academic Senate's Academic Freedom Committee ultimately found that posting the links fell within Professor Shorter's right to academic freedom.<sup>88</sup> Nevertheless, Shorter suffered considerable damage as a result: several major publications carried stories about AMCHA's campaign against him,<sup>89</sup> which generated hate mail, death threats, and a reputational smear that resulted in the loss of consulting contracts.<sup>90</sup> (See Appendix entry for UCLA.)

Israel advocacy groups have increasingly promoted the "State Department definition" of antisemitism, which erroneously includes criticism of Israel as a nation state in the definition.<sup>91</sup> Departing from the conventional understanding of antisemitism as hate and ethno-religious bias against Jewish people, the redefinition defines antisemitism to include "demonizing Israel," "applying a double standard to Israel," and "delegitimizing Israel," also referred to as the "three Ds."<sup>92</sup> (See, for example, Appendix entries for UCLA and UC Berkeley.) This redefinition serves to chill debate and justify legislation and other punitive actions against advocates for Palestinian rights.

For example, AMCHA cited the "State Department definition" to support its claims against the course at UC Riverside.<sup>93</sup> During the spring of 2015, Israel advocacy groups urged the University of California,<sup>94</sup> Stanford,<sup>95</sup> Northwestern,<sup>96</sup> and Northeastern<sup>97</sup> to adopt the redefinition. AMCHA's Tammi Rossman-Benjamin explained that such a move would render BDS and other common forms of campus activism, such as replicas of Israel's wall or talks by former Israeli soldiers about abuses they witnessed, antisemitic by definition.<sup>98</sup> At the time of publication, no university has adopted the redefinition, but student governments at UC Santa Barbara<sup>99</sup> and UCLA have passed resolutions that condemn antisemitism on campus and incorporate the "three Ds."<sup>100</sup>

In 2012, the California legislature passed a resolution officially branding speech supporting Palestinian rights "anti-Semitic." House Resolution No. 35 calls for the regulation of speech critical of Israel on California college campuses and defines antisemitism even more broadly and vaguely, to include "language or behavior

[that] demonizes and delegitimizes Israel” and “student- and faculty-sponsored boycott, divestment, and sanction campaigns against Israel.”<sup>101</sup> In contravention of well-established First Amendment principles, the resolution also condemns “speakers, films, and exhibits . . . that falsely describe Israel, Zionists, and Jews” or claim that “Israel is a racist, apartheid, or Nazi state [or] is guilty of heinous crimes against humanity such as ethnic cleansing and genocide.”<sup>102</sup> It further calls for “strong leadership from the top . . . [to ensure] that no public resources will be allowed to be used for anti-Semitic or any intolerant agitation.”<sup>103</sup> (See Appendix entry for UC System—Campus Climate.)

Conflating criticism of Israel with antisemitism also fuels the false narrative that genuinely antisemitic incidents like swastika vandalism stem from pro-Palestine activities. For example, in the spring of 2015, Israel advocacy groups quickly attributed swastika graffiti found on the property of a Jewish fraternity at UC Davis to a recent student government vote to divest from companies aiding in Israel’s occupation, despite lacking evidence of any such connection. (See Appendix entry for UC Davis.) A few months later, at Stanford University, Israel advocacy organizations similarly speculated that swastika graffiti stemmed from a recent BDS campaign, though police later identified a teenage perpetrator with no known connections to the Stanford campus or to the Israel/Palestine issue. (See Appendix entry for Stanford University.)

SJPs are not the sole targets of false accusations—groups like Jewish Voice for Peace (JVP), the emerging Open Hillel movement, and even J Street, a liberal “pro-Israel” organization, have all faced accusations of contributing to antisemitism.<sup>104</sup> The ADL’s annual list of “top ten anti-Israel groups” regularly includes organizations that promote Palestinian rights, like JVP and SJP, on the basis that they “employ rhetoric that is extremely hostile to Israel, Zionists and/or Jews.”<sup>105</sup> Such accusations ignore the track record of groups that advocate for Palestinian rights as part of a larger commitment to equality and justice for all people.

Antisemitism accusations carry great potency, particularly given the historical memory of the Holocaust, the long history of bona fide antisemitism in the US, recent instances of swastika graffiti on

campuses, and violence against Jews in North America and Europe. Yet, labeling critics of Israel antisemitic chills protected speech, ruins reputations, and intentionally diverts the conversation away from Israel’s violations of Palestinian rights and toward the allegedly sinister motivations of individuals. When students wish to raise questions about Israel’s human rights record—for example, through a divestment referendum or a student-led course on Palestinian literature—they must redirect their resources away from discussing Israel/Palestine issues in order to defend themselves against false accusations. As the co-president of NYU’s SJP explained:

If you can say that they’re a self-hating Jew or they’re anti-Semitic, it draws attention away from the issues we’re talking about, so suddenly we’re not discussing home demolitions, we’re having to defend ourselves and say, no, we don’t actually hate Jewish people—we’re just trying to draw attention to Palestine.<sup>106</sup>

Conflating criticism of the Israeli government with antisemitism also undermines and distracts from the fight against genuine antisemitism. To address instances of anti-Jewish animus, educators and students alike must be able to identify them, but this becomes impossible when the meaning of the word is diluted. As a Jewish student from Stanford explained, “As Jews, we must be vigilant in fighting anti-Semitism on campus. We must be equally vigilant in fighting the abuse and misuse of the term.”<sup>107</sup>

### **False Accusations of Support for Terrorism**

In addition to false accusations of antisemitism, Israel advocacy organizations frequently accuse advocates for Palestinian rights of supporting violence and terrorism. In 2014, 20 of 152 incidents (13 percent) reported to Palestine Legal involved false accusations of support for terrorism. In the first six months of 2015, 41 of 140 incidents (29 percent) involved false accusations of support for terrorism. The claim that Palestine activists support terrorism frequently relies on anti-Muslim and xenophobic stereotypes about the inherent violence and hateful worldviews of Arab, Muslim, and international students. The claim also echoes the

conspiracy theory that the Muslim Brotherhood is infiltrating US institutions—a theory that the Center for American Progress identified as a central theme of the Islamophobia industry in its 2015 report, “Fear, Inc., 2.0.”<sup>108</sup> Most importantly, the accusations detailed in this section are baseless; no links between terrorism and student activism for Palestinian rights have been substantiated.

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violations of Palestinian rights.*

Many of the most strident attacks target the main organizations involved in Palestine advocacy. For example, the website HamasOnCampus.org claims that “SJP was created to be Hamas on Campus and work in tandem with the Muslim Brotherhood proxy, the Muslim Students Association (MSA).”<sup>109</sup> *Canary Mission* repeats hyperbolic accusations that JVP is a “semi-terrorist group” and that MSA is a “virtual terror factory,” asserts that SJP is “linked to terrorist activity,” claims that the BDS movement is “directly connected” to the Muslim Brotherhood and Hamas, and argues that the Council on American-Islamic Relations (CAIR), a civil liberties organization, “emphasiz[es] support for terrorism.”<sup>110</sup>

In a 2013 lecture, AMCHA’s Rossman-Benjamin described SJP and MSA students as “motivated by very strong religious and political convictions,” with “fire in their belly” and “ties to terrorist organizations.”<sup>111</sup> (See Appendix entry for UC Santa Cruz.) In early 2015, the David Horowitz Freedom Center produced posters depicting violent images of executions from the Arab world with the hashtag “#JewHatred,” linking this unrelated violence to SJP with the words “Students for Justice in Palestine” and “Stop SJP because it promotes terror groups.” It distributed these posters to fifty campuses across the country, including UCLA, UC Irvine, DePaul University, and University of

Massachusetts, Amherst, as part of a larger campaign entitled “Combat Jew Hatred on College Campuses” that included a website, videos, and teach-in events to link SJP to terrorist groups.<sup>112</sup> (See Appendix entry for UCLA.) None of these allegations have been substantiated.

Accusations of support for terrorism also target specific campus chapters and individual activists. For example, in the spring of 2015, when students at UC Santa Cruz enacted a mock Israeli checkpoint, anonymous complainants filed “hate/bias reports”<sup>113</sup> falsely alleging that SJP supported terrorism and that members dressed like “Islamic Jihadis.” (See Appendix entry for UC Santa Cruz.) Around the same time, news outlets cited a satirical Facebook comment by UC Davis student senator Azka Fayyaz, which said that “Hamas & Sharia law have taken over UC Davis” after the UC Davis student senate passed a divestment resolution, claiming that divestment supporters embraced terrorism. Fox News ran the headline “Pro-Palestinian Students Heckle Cal-Davis Opponents with Cries of ‘Allahu Akbar!’”<sup>114</sup> Another headline read, “Hamas on Campus: At U.C. Davis, Students for Justice in Palestine Chant ‘Allahu Akbar,’ Endorse Terrorism.”<sup>115</sup> As a result of these accusations, hate messages, including “wipe out these vermin now” and “wipe out these Islamic savages now,” flooded UC Davis Facebook pages.<sup>116</sup> Fayyaz reported receiving messages accusing her of being an antisemite, a spokesperson for Hamas, and a “Jew-hater.”<sup>117</sup> The president of UC Davis SJP told the *Sacramento Bee* that the hate messages targeted Muslim women wearing head scarves, who as a result were “afraid to walk on campus.”<sup>118</sup> (See Appendix entry for UC Davis.)

Accusations of support for terrorism result in the restriction of academic inquiry and advocacy for Palestinian rights. For example, at Rutgers University in the fall of 2010, Hillel and the ADL accused a student fundraiser for the US Boat to Gaza, a part of the Gaza Flotilla, of providing material support for terrorism; as a result, Rutgers prevented organizers from donating the money they raised to the designated nonprofit organization.<sup>119</sup> (See Appendix entry for Rutgers.) In 2014, San Francisco State University (SFSU) audited Professor Rabab Abdulhadi after the AMCHA

Initiative accused her of abusing state funds to meet with terrorists in Palestine and Jordan on a university-funded trip; while SFSU ultimately cleared Abdulhadi of wrongdoing, finding the allegations meritless, the public smear campaign went unanswered for months, sending a strong message to both scholars and students about the dangers of working on Palestinian issues. (See Appendix entry for SFSU.)

Mere allegations of association with terrorism stigmatize and intimidate the target. Against the specter of increasingly draconian criminal prosecutions, such accusations—although baseless and often laughable—lead many scholars and students to self-censor out of fear of endangering their careers. Abdulhadi explained the impact:

I spent my 2014 sabbatical responding to [allegations of terrorism] and providing support and reassurance to my students whose learning environment was severely disrupted by the intensity and malevolence of AMCHA's attempt to destroy our program [the Arab and Muslim Ethnicities and Diasporas Initiative] and implicitly brand them, by association with me, as potential "terrorists." As a result I was unable to work

on the book I had planned to write during my sabbatical and am now behind schedule in completing the research and publications necessary to advance to a full professorship.<sup>120</sup>

## Official Denunciations

Institutional actors, in response to pressure from Israel advocacy groups, frequently express official disapproval of opinions and activities supporting Palestinian rights, as scores of university presidents and public officials have done with boycott and divestment initiatives. For example, 250 university leaders issued statements opposing the ASA's endorsement of an academic boycott of Israel, according to the far-right blog *Legal Insurrection*.<sup>121</sup> After students held a "die-in" protest for Gaza and Ferguson at CUNY John Jay College of Criminal Justice in New York City, President Jeremy Travis sent an email to the campus community connecting SJP's activities with the rise in antisemitism in Europe and suggesting that such activities "fueled these trends."<sup>122</sup>

University administrators sometimes compare student advocacy for Palestinian rights to racist incidents. For example, the university counsel at the University of South Florida compared a referendum question asking



John Jay College of Criminal Justice Students for Justice in Palestine

From Ferguson to Palestine solidarity die-in action at John Jay College of Criminal Justice, October 8, 2014.

the student body whether it supported BDS against Israel to a referendum asking the student body “to support the KKK.” (See Appendix entry for University of South Florida.) Mark Yudof, as president of the University of California system, publicly compared a peaceful walkout from an Israeli soldier’s speaking event to the hanging of a noose in a campus library, drawing swastikas, and vandalizing a campus LGBTQIA center.<sup>123</sup> (See Appendix entry for UC Davis.)

More often, decision makers cloak their disfavor for Palestine rights advocacy through reference to “balance,” “dialogue,” and “civility,” terms that echo the talking points of Israel advocacy groups.<sup>124</sup> University administrators often reference these vague concepts to criticize or to justify their decisions to censure Palestinian rights advocacy, labeling outspoken faculty and students as “uncivil” and “divisive.”<sup>125</sup> For example, in the spring of 2014, SJP at UCLA challenged the influence of Israel lobby organizations on campus and raised concerns about the conflicts of interest that arise when elected student officials accept free trips sponsored by lobby organizations. In response, UC president Janet Napolitano issued a statement “on civil discourse,” a rare interference in campus politics that portrayed SJP as uncivil and divisive, deemed its advocacy “harmful, hurtful speech,” and urged members of the university community “to come together, in open dialogue.”<sup>126</sup> The message so seriously mischaracterized the facts that students regarded it as an attack on their viewpoint and a signal that the administration would view any criticism of Israel advocacy groups and Israeli government policies as “uncivil,” regardless of form.

Politicians and university administrators use the “divisive” label, regularly put forward by Israel advocacy groups,<sup>127</sup> to undermine student activists working on BDS campaigns.<sup>128</sup> Ironically, university administrators deem BDS efforts “divisive” precisely because they accomplish what they set out to do: challenge political orthodoxy and the status quo. As journalist Ben White put it, universities apply the label to “those actions likely to upset those seeking to shield Israel from accountability for human rights violations.”<sup>129</sup> After the student government at Stanford passed a resolution calling for divestment in early 2015, the university Board of Trustees issued a statement that

it would not act on or even evaluate the request to divest from companies that profit from human rights abuses in Israel and Palestine, stating that “rather than explore such issues, the board focused on the questions of divisiveness.” (See Appendix entry for Stanford University.)

Calls for “dialogue” and “civility” are also used as a form of coercion to punish student speech in favor of Palestinian rights. For example, in the fall of 2014, Loyola University - Chicago required SJP to attend “intergroup dialogue training” as a punishment for its peaceful protest of a registration table for the Birthright Israel program, which takes Jewish students on free trips to Israel. The administration explained that the dialogue training aimed “to support SJP’s skill development in exercising alternatives to approaching difficult dialogues,”<sup>130</sup> but in fact it compelled students to attend and applied it as a punitive sanction. The following spring, in response to passage of a divestment resolution in the student government, the Loyola president stated his opposition and called for a “community of dialogue.”<sup>131</sup> (See Appendix entry for Loyola.) Similarly, in spring 2013, Northeastern required SJP to write a “civility statement” as punishment for failing to register in advance its protest of an Israeli soldier’s speaking event. (See Appendix entry for Northeastern.)

These examples illustrate a common complaint: that the focus on a “divisive” campus climate and calls for further dialogue repeatedly deflect attention from the human rights concerns that students are raising.<sup>132</sup> Moreover, administrators have attempted to coerce students into “dialogue” and “civility.” The British BDS group Jews for Boycotting Israeli Goods explains that “dialogue may be worthwhile if there is any chance that it will be used to encourage insight and change, towards respecting Palestinian rights. Instead it is used to bully others into acquiescence with the powerful.”<sup>133</sup>

*“[D]ecision makers cloak their disfavor for Palestinian rights advocacy through reference to “balance,” “dialogue,” and “civility.”*

Official disparagement of advocacy for Palestinian rights—both explicit and implicit—marginalizes the individuals who hold these views and chills others from speaking out or taking part in activities that they understand to be officially disfavored.<sup>134</sup> In the interest of avoiding discomfort for those who disagree with the students' views, universities effectively muzzle discussion about a matter of public concern. In so doing, they fail in their educational mission to nurture academic freedom, free inquiry, and open debate.

## Bureaucratic Barriers

Universities and student governments frequently respond to pressure to curtail Palestinian rights advocacy through ostensibly neutral administrative mechanisms and policy changes that disproportionately burden such speech. Student organizers told Palestine Legal that they faced extensive administrative hurdles, including lengthy review periods for new student group applications,<sup>135</sup> obstruction of event approvals and room reservations, objections to using the name Students for Justice in Palestine<sup>136</sup> or the word “apartheid,”<sup>137</sup> imposition of significant security fees,<sup>138</sup> repeated administration requests to meet with student group leaders about their events, periodic reviews of their groups' activities and plans, demands to alter street-theater scripts or flyers, threats to revoke SJP's status for procedural reasons, and unprecedented demands to publicly release private internal notes. (See, for example, the Appendix entries for Barnard, Brooklyn College, CUNY John Jay College of Criminal Justice, CUNY College of Staten Island, DePaul, Northeastern, Purdue, and Stanford.) While administrators have on occasion imposed similar restrictions on other groups—at least one campus, for example, responded to the Occupy Wall Street movement by banning “camping” and barring members of the public from attending campus events<sup>139</sup>—their restrictions frequently target Palestine activists. In 2014, 59 of the 136 campus-related incidents to which Palestine Legal responded involved bureaucratic barriers. In the first six months of 2015, 33 of 112 campus-related incidents involved bureaucratic barriers.<sup>140</sup>

For example, a dean at one university in the Northeast attempted to dissuade several students from starting

an SJP chapter, stating that the group represented a “disruptive influence” on other campuses and pondered whether one could “be pro-Palestine and not also be an antisemite.”<sup>141</sup> After this happened, the students initially considered using a different name; after consulting with Palestine Legal and other SJPs, they decided that “serious education needed to be done,” including “draft[ing] up an essay of an email” to the administration and scheduling meetings with administrators to explain “why [their] objections were so disconnected from the reality of what Students for Justice in Palestine stands for.”<sup>142</sup>

At CUNY Brooklyn College, administrators imposed unprecedented demands on student organizers during the lead-up to a 2012 BDS event featuring human rights activist Omar Barghouti and philosopher Judith Butler. The event drew the ire of Israel advocates, including some New York City politicians who threatened to withdraw city funding from the college. In response to the controversy, administrators imposed additional requirements on organizers beyond what is normally required and mandated attendees to pass through two checkpoints and a metal detector and have their names checked by public safety officers in order to gain admission. (See Appendix entry for Brooklyn College.) “Any student group that's organizing an event particularly around this issue of Israel and Palestine has to go through a bureaucratic maze of regulations,” explained Brooklyn College professor Corey Robin.



An SJP banner at Barnard College advertising the March 2014 Israeli Apartheid Week, removed after complaints that it made Jewish students feel unsafe.

Bwog

“They are written down but they are so complicated and so lengthy that I, who have a PhD from Yale University, have an extraordinarily difficult time making sense of them. That’s how Byzantine they are.”<sup>143</sup>

In spring 2014 at Barnard College, the administration banned student groups from hanging banners on its main hall, a tradition dating back decades, after students from Hillel complained that an SJP banner advertising the March Israeli Apartheid Week, which included a map of historic Palestine, made them feel unsafe and uncomfortable. (See Appendix entry for Columbia University/Barnard College.) A member of SJP at Barnard, Shezza Abboushi Dallal, described the college’s decision to remove their banner without notice as particularly disturbing for Palestinian students

who come to college . . . to broaden [their] opportunities and open the door to more professional and intellectually stimulating experiences and in that space that is far from the conflict, [they] face the same sort of backlash and repression. . . . When you are attacked so frequently, when you are kind of shut down so frequently, you adopt a mindset of a victim which is valid but it is also very dangerous to the movement because it inhibits you and keeps you stuck in a narrative of victimization and doesn’t allow you to grant yourself your own political agency.<sup>144</sup>

In spring 2015, students with SJP at CUNY Hunter College reported being called into a meeting and told by the dean of diversity and compliance that they could not distribute a flyer titled “Thinking about Going on Birthright Israel?” The dean reasoned that the flyer—which notes that such trips violate the call “to boycott the Israeli tourism industry until Israel grants basic human rights to Palestinians”—did not bear sufficient relation to the group’s Israeli Apartheid Week agenda.<sup>145</sup> Another administrator required the group to submit for review a script for a street-theater performance depicting a pregnant Palestinian woman stopped at an Israeli checkpoint. The administrator found the depiction of childbirth in the script inappropriate, despite students’ assurances that the monologue included no nudity or scenes portraying childbirth, and forced students to

radically rewrite it.<sup>146</sup> The incident left students feeling “incredibly frustrated and angry,” like the administration was “simply trying to silence us.”<sup>147</sup>

At CUNY College of Staten Island, SJP’s president and faculty advisor reported that, since the group’s founding in 2013, it has faced significant delays when seeking event approvals and requirements to meet administrators on short notice and to submit event flyers for pre-authorization. (See Appendix entry for CUNY Staten Island.) Similarly, at Purdue University in 2012, students reported that before approving a mock checkpoint demonstration, administrators had requested evidence that Israeli checkpoints violated Palestinian human rights, as well as the full scripts the actors would use and the names and phone numbers of all students participating. These onerous requests led the group to opt not to organize another mock checkpoint the following year. (See Appendix entry for Purdue.)



CUNY College of Staten Island Students for Justice in Palestine

A student with SJP at the CUNY College of Staten Island wears a sign with the name of a Palestinian village that was depopulated in 1948 as part of the group’s “Nakba Week” programming.



Maria Amasanti

Students and local activists protest the suspension of SJP on April 2, 2014 at Northeastern University.

Such scrutiny and intimidation, according to a student at CUNY Staten Island, “makes it very difficult to organize events and activities, and is discouraging other students from learning about this very important issue . . . [and] raises concerns that SJP is being singled out for harassment and differential treatment from [the college] because we support Palestinian rights, equality and freedom.”<sup>148</sup> Bureaucratic barriers imposed by university administrators chill student organizing for Palestinian rights.

### Administrative Sanctions

Universities often respond to complaints from Israel advocacy groups regarding speech and events in support of Palestinian rights by opening investigations into the student and organizational sponsors of such events. Investigations convey official disfavor for the organizers, risk unconstitutional viewpoint discrimination, and imperil students who face the prospect of punitive sanctions that could undermine their college careers

and jeopardize their future employment. Insufficient procedural safeguards generally afforded to the targets of such investigations place students in especially vulnerable positions.<sup>149</sup>

In the fall of 2014, for example, Loyola University Chicago charged SJP with conduct violations after some of its members lined up and attempted to register at a tabling event in order to raise awareness about Birthright Israel’s policy of excluding non-Jews. After receiving complaints from the campus Hillel group, administrators opened an investigation into SJP, even though the group had not sponsored the protest, and charged it with six violations, including bias-motivated misconduct, harassment and bullying, disruptive conduct, and violating the university’s demonstration policy by failing to register the event. The disciplinary process cleared SJP of five of the charges, but found that the group had violated the demonstration policy by failing to register the protest—despite testimony from students who said that they had only decided to line

up the night before and did not consider their action a demonstration requiring advance approval. Loyola put SJP on probation for the school year, preventing it from obtaining university funding; required members to attend an intergroup dialogue training; and threatened to subject the group to further sanctions if members violated other school policies. Although Hillel had failed to properly register the Birthright Israel tabling event, also a violation, Loyola did not similarly discipline the group, requiring only that members meet with administrators to review the rules for student groups. (See Appendix entry for Loyola.)

In September 2014, Montclair State University's student government sanctioned and fined a campus SJP chapter after receiving complaints that the group handed out "offensive" pamphlets at a tabling event. The brochures at issue contained statistics on Israeli settlement activity and home demolitions, a map depicting Palestinians' loss of land from 1946 to 2000, and information on how students could get involved with SJP. The student government fined SJP five percent of its fall semester budget, ordered it to cease all "political propaganda" and "focus [its] events on the Palestinian culture," and denied the group the opportunity to respond to the complaints or appeal the decision. The decision was overturned only after attorneys from the Foundation for Individual Rights in Education (FIRE) intervened. (See Appendix entry for Montclair State University.)

Northeastern University in Boston placed its SJP chapter on probation in April 2013 after students staged a brief walkout at an event featuring an Israeli soldier. Northeastern justified its decision by citing the group's failure to register the protest seven days in advance, despite the fact that in 2010 the university had chosen not to punish an Israel-aligned student group for failing to register a similar protest. (See Appendix entry for Northeastern.)

A year later, in spring 2014, Northeastern suspended its SJP chapter after some of its members distributed mock eviction flyers to raise awareness about Israeli home demolitions. In the aftermath, Northeastern's Hillel chapter published a letter on its website stating that it was working with campus police to "conduct a

thorough investigation." The ZOA immediately praised and claimed credit for the group's suspension, and other Israel advocacy groups followed suit. The university also charged two SJP students with violating the code of student conduct by posing "a threat to self and others or to the proper functioning of the university," failing to control guests, and violating university flyering policies. The university sustained the latter two charges after its investigation. Students with SJP told Palestine Legal that they felt singled out for punishment based on their viewpoint, noting that "the Handbook guidelines on flyer distribution in dormitories are flouted, if not flatly ignored, by other student groups, as well as individuals, on a regular basis."<sup>150</sup> (See Appendix entry for Northeastern.) Several other universities investigated student groups that distributed mock eviction flyers after allegations that the flyering targeted Jewish students, but found those allegations were unsubstantiated, and did not sanction the organizers. (See, for example, Appendix entries for Rutgers University, Florida Atlantic University, and New York University).

In spring 2013, administrators at Florida Atlantic University subjected SJP members to a four-month investigation and disciplinary process after a student interrupted a speech by an Israeli colonel to read a short statement about Israel's war crimes and the group walked out of the event. Five students faced a range of charges, including "interfering with the free speech and academic freedom of others"—for an action that interrupted the program for about two minutes.<sup>151</sup> To avoid a protracted legal battle and the specter of even more severe punishment, the students accepted onerous restrictions, though without conceding wrongdoing. The restrictions included a ban on holding leadership positions in any student group, probation for the remainder of their university careers, and a requirement that three of the students attend a diversity training designed by the ADL, which had led a campaign accusing the group of antisemitism the previous year. (See Appendix entry for Florida Atlantic University.)

The ever-present threat of sanctions for engaging in political organizing makes Palestine activists constantly wary of engaging in educational and other programming on campus.



Middle East Children's Alliance

In September 2011, the Oakland Museum of Children's Art canceled an exhibit of Palestinian children's artwork depicting their memories of Operation Cast Lead in Gaza after the museum and its funders came under significant pressure from Israel advocacy groups.

### Cancellations and Alterations of Academic and Cultural Events

Israel advocacy groups have also pressured universities, public libraries, and other institutions on- and off-campus to alter, censor, or cancel public lectures, discussions, and even art exhibitions and film screenings that they believe reflect poorly on Israel. (See, for example, Appendix entries for Brooklyn College, Rutgers University, San Jose State University, Columbia University, UC Santa Cruz, and the University of Pennsylvania.)

In March 2015, two days before the event “From Ferguson to Ayotzinapa to Palestine: Solidarity and Collective Action,” officials at the Missouri History Museum in St. Louis told organizers that the museum would cancel the event unless they agreed not to discuss Palestine.<sup>152</sup> The museum claimed that the program it had approved did not mention Palestine and that the proposed format failed to “adequately address the complexities of these historical events.”<sup>153</sup> Organizers refused to change the program, opting instead to hold the event at another venue. Documents received through a public records request show that the Jewish Community Relations Council (JCRC) had complained about the event to museum officials. Although the museum denies that the complaints factored into its decision, the documents reveal that museum officials suggested to JCRC and ADL that they help organize an alternative event on Israel/Palestine.<sup>154</sup>

In March 2015, Hillel International threatened legal action against Swarthmore Hillel after the student group planned to host an event supportive of BDS. The event, part of a twelve-school tour organized by the Open Hillel movement entitled “Social Justice Then and Now: Lessons from the Civil Rights Movement,”<sup>155</sup>

featured Jewish civil rights veterans Ira Grupper, Mark Levy, Larry Rubin, and Dorothy Zellner, who planned to make connections between their work in the Jim Crow South and current activism around Israel/Palestine.<sup>156</sup> Hillel International, however, objected to “the speakers present[ing] or proselytiz[ing] their known anti-Israel and pro-BDS agenda,” warning that an event containing such content would violate its guidelines for campus affiliates.<sup>157</sup> While the event took place as planned, the students decided to formally disassociate with Hillel and change their group's name.<sup>158</sup>

Also in March 2015, Pitzer College in southern California attempted to prevent SJP from displaying a replica of Israel's West Bank wall on campus—an installation that included information, pictures, and quotes about the Israeli occupation and its effect on Palestinians. The dean directed SJP to seek approval from the campus “aesthetics committee,” which denied the proposal after receiving complaints of antisemitism from a member of the Claremont Progressive Israel Alliance. Despite the denial, SJP notified the college that it planned to proceed with the installation as per the campus demonstrations policy. Administrators initially warned the group against defying college policy but, after a public outcry and a warning from Palestine Legal, allowed the demonstration to take place without interference. (See Appendix entry for Claremont Colleges, Pitzer.)

In August 2014, in the midst of Israel's aerial and ground attack on Gaza, the Evanston Public Library in Illinois canceled a talk by Palestinian-American writer Ali Abunimah on his new book, *The Battle for Justice in Palestine*. Library staff notified Abunimah that director Karen Danczak had decided to cancel the event because they could not confirm a pro-Israel speaker, stressing the importance of “balance.”<sup>159</sup> Abunimah, an active Twitter user with a significant following, along with his publisher, Haymarket Books, and supporters, undertook a social media campaign to call on the library to hold the event as originally scheduled. A week later, the library reversed course and Abunimah spoke to an overflow crowd.<sup>160</sup>

In April 2013, Northeastern University canceled a talk by Palestinian researcher Dr. Abu Sitta on the day of the lecture, asserting that SJP “fail[ed] to plan the event in a timely manner” and had violated school policy the previous day by protesting an event featuring an Israeli soldier. Since at least the previous winter, after a right-wing group released a documentary film alleging antisemitism on campus, the administration had faced significant pressure to restrict campus speech. SJP members, who told Palestine Legal that they organized the event according to the usual procedures, opted instead to hold the event at Northeastern's law school. (See Appendix entry for Northeastern.)

In March 2011, UC Hastings College of the Law

removed its name from the conference it had agreed to host, “Litigating Palestine: Can Courts Secure Palestinian Rights?” Israel advocacy groups had complained that the event was “one-sided” and “an anti-Israel political organizing conference using law as a weapon,”<sup>161</sup> and Tammi Rossman-Benjamin, founder of the AMCHA Initiative, had threatened to file a Title VI complaint with the DOE against UC Hastings.<sup>162</sup> In response, the board of directors held an emergency closed-door meeting on the eve of the conference and resolved to “take all steps necessary to remove the UC Hastings name and brand” from it. The dean canceled his opening address and the private Cummings Foundation withdrew all funding. (See Appendix entry for UC Hastings.)

Israel advocacy groups have also campaigned against Palestinian cultural events, as well as institutions that host them. In September 2011, the Oakland Museum of Children's Art (MOCHA) canceled an exhibit of Palestinian children's artwork depicting their memories of Operation Cast Lead in Gaza, after months of planning with the Middle East Children's Alliance.<sup>163</sup> The museum and its funders came under significant pressure from Israel advocacy groups, including the East Bay Jewish Community Relations Council and the Jewish Federation of the East Bay, to cancel the display before it opened. The groups claimed the exhibit would “potentially create an unsafe atmosphere for Jewish children.”<sup>164</sup> MOCHA justified the cancellation by claiming that the children's pictures contained inappropriate content, even though it had previously featured artwork by Iraqi children depicting the US occupation and by children who lived through World War II. The museum board's chairman told a reporter that the museum “couldn't handle the divisive issue” and the resulting pressure.<sup>165</sup>

Israel advocates have also pressured community institutions to cancel events that are critical of Israel. For example, in March 2011, the New York City LGBT Center canceled an Israeli Apartheid Week event and barred the organizing group from holding meetings at its space after an Israel-aligned donor threatened to boycott the Center, according to a press release from organizers.<sup>166</sup> The Center also formally banned all Palestine-related activism on its premises, a moratorium

that remained in place for nearly two years. The Center lifted the ban after an uproar over its refusal to host an event featuring a talk by longtime LGBTQIA rights activist and scholar Sarah Schulman on her book *Israel/Palestine and the Queer International* in February 2013.<sup>167</sup> “I’ve been a public figure and a leader in the LGBT movement for 30 years – and I was banned from the LGBT Center because I was pro-Palestinian,” said Schulman.<sup>168</sup> Nevertheless, the Center published vague new policies prohibiting “hate speech or bigotry,” which the group Queers Against Israeli Apartheid worried would lead the Center to continue “to police and shut down queer organizing in support of Palestinian queers, and Palestinian civil and human rights.” Several New York City politicians also put out a statement immediately after the Center publicized the new policy, opposing “attempts by any organization to use the center to delegitimize Israel and promote an anti-Israel agenda.”<sup>169</sup>

Pressure campaigns targeting artistic representations of the Palestinian struggle also led to the modification of two Palestine-themed murals in California. In 2007, the JCRC and the ADL complained to the San Francisco Arts Commission that a proposed mural depicting the Mexico/US border fence and Palestinians breaking through Israel’s wall threatened the Jewish community.<sup>170</sup> The Latino group Homies Organizing the Mission to Empower Youth (HOMEY), which works with young people to overcome gang violence through training in the arts and political activism,<sup>171</sup> designed the mural, entitled “Solidarity: Breaking Down Barriers.” In response to pressure, the Arts Commission held up funding for the project. Representatives of HOMEY met with representatives of concerned Israel advocacy organizations to hear their concerns and agreed to alter parts of the mural, including the depiction of a crack in the shape of historic Palestine and the image of a Palestinian wearing the traditional patterned *kaffiyah* scarf over her face.

In 2006, the JCRC attacked a mural honoring the late Columbia University professor Edward Said at SFSU. The mural depicted a key, which represents the right of Palestinian refugees to return to the homes they were expelled or fled from in 1948, and Hanthala, a refugee cartoon figure who represents dispossession

and resistance, both important Palestinian symbols. JCRC claimed that the mural sent “a chilling message to Jewish students,” comparing the key to the conical hats and white robes of the KKK.<sup>172</sup> After SFSU’s president indicated that he would not approve the mural, the artists altered the mural proposal and eliminated the Hanthala character and key from the final design.<sup>173</sup>

## Threats to Academic Freedom

Israel advocacy organizations have launched numerous public campaigns targeting academics who criticize Israel, often with the aim of pressuring universities to investigate, punish, censor, deny tenure to, or dismiss them. Several organizations review Middle East-related course materials in search of “objectionable” content and monitor professors’ classes and extramural speech. In some cases, universities have ultimately sided with free speech and academic freedom principles—but often after lengthy and time-consuming investigations that take an emotional toll. In other instances, university administrators have acceded to outside pressure and smear campaigns and taken adverse action against individual scholars.

For example, in August 2014, the University of Illinois at Urbana-Champaign (UIUC) terminated Palestinian-



Jeffrey Punney

The University of Illinois at Urbana-Champaign dismissed Professor Steven Salaita from a tenured faculty position for his personal tweets about Israel’s assault on Gaza in 2014.



San Francisco State University Professor Rabab Abdulhadi was forced to defend a research trip to Palestine after an Israel advocacy group accused her of abusing taxpayer funds to meet with “known terrorists.”

American professor Steven Salaita from a tenured faculty position, following pressure from donors who disagreed with his tweets criticizing Israel’s assault on Gaza that summer. Professor Salaita had accepted a faculty position at UIUC in October 2013 and, over the course of the subsequent ten months, had resigned from a tenured position at another university and undertaken significant effort and expense to prepare for his family’s move.<sup>174</sup> Meanwhile, UIUC formally scheduled Salaita to teach two courses, assigned him an office, and set up his email account.<sup>175</sup> Without any notice, explanation, or opportunity to be heard, he received an email from the university chancellor two weeks before the start of the semester notifying him of his termination.<sup>176</sup> The termination left Professor Salaita “without a job, without health insurance, in his parents’ home, with his academic career in tatters.”<sup>177</sup> According to Professor Salaita:

When I got that email I was just destroyed. I was crushed. Everything had been arranged for our move. Our son, he was two at the time, he had been enrolled in a daycare in Urbana, on campus in fact, and I felt this terrible sense that I had failed my family. . . .

We were left without health insurance, first of all . . . and so we were constantly worried about what would happen if the need for medical attention arose and the fact that if something did happen to any of us, we could end up spending the rest of our life in severe debt.<sup>178</sup>

Administrators later acknowledged they made their decision because of his tweets, which they deemed to lack “civility” and not constitute “an acceptable form of civil argument.”<sup>179</sup> In an interview with the Illinois newspaper the *News-Gazette*, UIUC Board of Trustees chairman Chris Kennedy characterized the remarks as antisemitic: “We were sort of stunned that anyone would write such blatantly anti-Semitic remarks.”<sup>180</sup> Documents obtained through Freedom of Information Act requests revealed that UIUC acted after major donors had threatened to stop donating to the university because of Professor Salaita’s appointment.<sup>181</sup> A prominent Israel advocacy organization, the Simon Wiesenthal Center, sent a letter to UIUC President Robert Easter protesting Salaita’s appointment.<sup>182</sup> Evidence suggests that the Champaign-Urbana chapter of the Jewish Federation, another Israel advocacy organization, also played a role in the campaign against Salaita, notwithstanding the organization’s insistence otherwise.<sup>183</sup>

UIUC’s actions have been nearly universally condemned. The American Association of University Professors (AAUP) censured UIUC,<sup>184</sup> a number of prominent academic organizations released statements in support of Professor Salaita, sixteen UIUC departments passed “no confidence” votes in the administration, and a boycott of the university has been endorsed by more than 5,000 academics and is still growing.<sup>185</sup> A group of law professors wrote that Salaita’s termination “on account of his opinions on the Middle East affects not only him individually, but all current and prospective faculty at the University of Illinois insofar as it will have the predictable and inevitable effect of chilling speech—both inside and outside the classroom—by other academics.”<sup>186</sup> Salaita, represented by CCR and the law firm Loevy & Loevy, filed a civil lawsuit against the university in January 2015, alleging violations of his constitutional rights and breach of contract. In August 2015, a federal judge denied UIUC’s motion to dismiss the lawsuit, finding that Salaita’s tweets “implicate

every ‘central concern’ of the First Amendment.”<sup>187</sup> (See Appendix entry for University of Illinois at Urbana-Champaign.)

As noted above, in the spring of 2014, the AMCHA Initiative launched a public campaign demanding that SFSU investigate the advocacy and scholarship of Palestinian-American professor Rabab Abdulhadi. AMCHA accused Abdulhadi of misrepresenting the nature and purpose of a research trip to Palestine and Jordan and abusing taxpayer funds to meet with “known terrorists.” AMCHA further insisted that a campus event Abdulhadi organized to discuss her trip threatened the safety of Jewish students and contributed to a “hostile environment” on campus. Although SFSU concluded that the allegations lacked merit,<sup>188</sup> the campaign against Abdulhadi continued, as AMCHA complained in June 2014 to the State Controller about Abdulhadi’s alleged misuse of public funds. In August, SFSU proceeded to audit Abdulhadi’s travel expenses for the previous five years. (See Appendix entry for San Francisco State University.)

Israel advocacy groups have also targeted Middle East Studies programs themselves. In 2014, the Brandeis Center and the AMCHA Initiative published reports purporting to present evidence of rampant “anti-Israel bias” at Middle East Studies centers receiving federal funding under the Higher Education Act. They demanded that Congress and the DOE either defund the centers or engage in intrusive oversight to ensure that viewpoints sufficiently sympathetic to Israeli government policies would predominate in academic departments.<sup>189</sup> The reports focused on UCLA’s Center for Near East Studies, misrepresenting the nature of the Center’s programming based on factual distortions and offering an overly broad definition of antisemitism that included criticism of Israel.<sup>190</sup> (See Appendix entry for UCLA.)

Similarly, in May 2015, the ZOA wrote Columbia University’s Middle East Institute to demand detailed information about an upcoming workshop on Israel/Palestine, including the names and affiliations of all speakers, copies of all readings, and the names of films they intended to screen. In its letter, the ZOA claimed that the “one-sided” event was “riddled with anti-Israel

bias” and violated the Higher Education Act’s “diverse perspectives” requirement. It further took issue with the workshop’s title, “Citizenship and Nationality in Israel/Palestine,” arguing that there is “no country called ‘Palestine.’” The workshop ultimately proceeded as planned. (See Appendix entry for Columbia.)

Attacks on academics for speaking on behalf of Palestinian rights or even teaching about or conducting research on Palestine date back over a decade. In 2004, Campus Watch, Hillel, and the ADL targeted Palestinian-American professor Joseph Massad, who teaches at Columbia University, when a film produced by an Israel advocacy group called the David Project featured Columbia students accusing Massad of anti-Israel bias and antisemitism.<sup>191</sup> Propelled by media reports purporting to investigate Columbia’s professors for antisemitic bias,<sup>192</sup> the controversy lingered on for years. Nonetheless, a university investigation found the allegations meritless.<sup>193</sup> Professor Massad noted upon conclusion of the investigation:

The committee’s report was forced to acknowledge that I have been the target of a political campaign by actors inside and outside the university, as well as by registered and unregistered students inside and outside my classroom. It affirms that during the Spring of 2002, I was spied upon by at least one other professor on campus, that my class was disrupted by registered students and unregistered auditors, and that individuals and organizations outside the university targeted me, my class, and my teaching.<sup>194</sup>

Indeed, Professor Massad describes how faculty outside his department recruited students to initiate complaints against him and journalists misquoted his words in speeches they admitted not having attended.<sup>195</sup> In order to protect him against the unfounded criticism, the AAUP, the New York Civil Liberties Union (NYCLU), and supporters defended Professor Massad in letters and petitions to the university.<sup>196</sup> In describing the tactics used against him, Professor Massad stated in an interview in 2004, “These are the same old trends and they continue.”<sup>197</sup>

*“The committee’s report ...affirms that...I was spied upon by at least one other professor on campus, that my class was disrupted by registered students and unregistered auditors, and that individuals and organizations outside the university targeted me, my class, and my teaching.”*

*- Columbia Professor Joseph Massad*

In 2007, Barnard alumnae, supported by Israel advocacy organizations, launched a similar attack against Barnard professor Nadia Abu El-Haj as she sought tenure. Professor Abu El-Haj, a Palestinian-American anthropologist, had authored a book critiquing Israel’s use of archaeology to justify governmental policies, which had come under fire from Israel advocates.<sup>198</sup> She had been approved for tenure by three out of four academic committees before the attacks began. A Barnard alumna living on an Israeli settlement started a petition, which adopted a line of critique later shown to be misleading and inaccurate. Several Israel advocacy organizations posted reviews of her work intended to attack her scholarship. A fellow faculty member in the history department wrote an article in the school newspaper and spoke at public lectures organized by the on-campus Israel advocacy group LionPAC to disparage her research. In response, prominent professors spoke out against the attacks and the university administration’s failure to defend academic freedom and to support Professor Abu El-Haj.<sup>199</sup>

The universities eventually granted both Professor Massad and Professor Abu El-Haj tenure, but only after lengthy, contentious processes. These campaigns significantly affected the personal lives of both scholars; Professor Abu El-Haj removed her office contact information from the school directory out of concern for

her own safety and now only shares her personal phone number with close friends.<sup>200</sup>

A coordinated campaign in 2005 targeted another Palestinian-American professor at Columbia, Rashid Khalidi, the Edward Said Chair of Middle Eastern Studies and then-director of the Middle East Institute. The pressure included significant media attention depicting Professor Khalidi as a divisive scholar and public comments by then-congressman Anthony Weiner deeming Khalidi’s views “troubling” and “hateful.” New York City Department of Education Chancellor Joel Klein then barred the professor from a teacher training program on the Middle East. NYCLU denounced the dismissal as a clear violation of the First Amendment; a range of supporters, from students to the playwright Tony Kushner, protested the decision. Columbia president Lee Bollinger defended the renowned scholar forcefully and pulled Columbia out of the teacher-training program in protest over Professor Khalidi’s exclusion.<sup>201</sup>

In 2007–2008, North Carolina State University forced Terri Ginsberg, a Jewish film studies professor, to resign as the curator of a Middle East film series after comments she made at a campus film screening. At the event, she thanked the audience for attending a film representing a Palestinian perspective and advocated for additional public and classroom screenings of films critical of Israel.<sup>202</sup> The university then denied her a tenure-track position for which she had been the top contender, according to a lawsuit she filed in response.<sup>203</sup> North Carolina courts dismissed her employment discrimination and academic freedom claims on summary judgment, finding “no causal link between that speech and the University’s sudden decision not to hire her for a tenure-track position days later,” despite evidence suggesting otherwise.<sup>204</sup> She then struggled to find an academic position. By 2012 she had applied for more than 150 jobs without receiving even one interview,<sup>205</sup> as she became “veritably blacklisted from the university classroom.”<sup>206</sup> She currently teaches at the American University in Cairo.<sup>207</sup>

Also in 2007, DePaul University denied tenure to Jewish professor Norman Finkelstein, a prolific critic of Israeli policies. Finkelstein drew the ire of Harvard

law professor Alan Dershowitz after he criticized Dershowitz's book, *The Case for Israel*. In response, Dershowitz "launched a national crusade to deny Finkelstein tenure,"<sup>208</sup> writing a series of media articles condemning his work and even distributing information packets to faculty.<sup>209</sup> Even though both Finkelstein's department and a review committee endorsed his candidacy, the DePaul administration denied him tenure, citing his lack of "civility" and his "hurtful" and "inflammatory" rhetoric. Yet DePaul and Finkelstein put out a joint statement following the resolution of their dispute describing Finkelstein as "a prolific scholar and an outstanding teacher."<sup>210</sup> Finkelstein has not obtained an academic appointment, permanent or temporary, part-time or full-time, in the US since he was denied tenure in 2007.<sup>211</sup>

In 2010, Brooklyn College fired Kristofer Petersen-Overton, an adjunct professor and CUNY doctoral student in political science, a week before the start of the semester, after New York State Assembly member Dov Hikind complained that his syllabus criticized Israel in an unbalanced manner. Hikind also accused Petersen-Overton of promoting suicide bombings in his curriculum. The university reinstated Petersen-Overton after he received a wave of support from colleagues. (See Appendix entry, CUNY Brooklyn College.)

At UC Santa Barbara (UCSB) in February 2009, university officials charged Professor William Robinson with faculty misconduct after two students in his global affairs class complained about materials he assigned that were critical of Israel's occupation of the West Bank and Operation Cast Lead.<sup>212</sup> The ADL and the Simon Wiesenthal Center helped the students lodge a complaint with the Academic Senate, alleging that Professor Robinson had assigned antisemitic material unrelated to the course.<sup>213</sup> The ADL sent letters to Professor Robinson and to university officials before the students submitted their complaints, while ADL national director Abraham Foxman organized a meeting with faculty and administrators to urge them to open a formal investigation.<sup>214</sup> FIRE and the AAUP urged the university to drop the investigation; hundreds of scholars, students, and other organizations voiced support for Robinson.<sup>215</sup> The university dismissed the case in June 2009 after finding that Professor

Robinson had acted "in accord with the principles of academic freedom" when he assigned the readings to his students.<sup>216</sup> StandWithUs revealed to the UCSB student newspaper that it considered the complaint at UCSB a test case for potential similar actions against Israel policy critics at other universities.<sup>217</sup>

## Lawsuits and Legal Threats

Israel advocacy organizations have sued, threatened to sue, and filed complaints against activists and universities in an attempt to censor, punish, and suppress speech critical of Israel. Such lawsuits and legal threats enmesh supporters of Palestinian rights in complicated, prolonged legal battles that drain emotional, financial, and organizing resources.

### Anti-BDS Legal Attacks

Israel advocacy organizations employ legal threats and suits to target BDS campaigns as a way to halt the movement's progress.<sup>218</sup> For example, after the ASA passed a resolution endorsing an academic boycott ("limited to a refusal on the part of the ASA in its official capacities to enter into formal collaborations with Israeli academic institutions"<sup>219</sup>), the author of the right-wing blog *Legal Insurrection* filed a complaint with the Internal Revenue Service to revoke the ASA's tax-exempt status on the grounds that "racial discrimination" ran afoul of "its educational exempt purpose."<sup>220</sup> In December 2014, the Israeli organization Shurat HaDin filed a similar complaint with the IRS against the Presbyterian Church (USA) after it voted to divest from three companies that supply Israel with equipment used to subjugate Palestinians.<sup>221</sup>

Shurat HaDin also threatened to sue the ASA in early 2014 if it did not stop its "unlawful boycott efforts." The letter argued that BDS "by its very definition, seeks to 'make distinctions between, impose restrictions on and impose adverse preferences based on . . . Jewish racial and ethnic origin and Israeli ethnic origin'" and therefore violated numerous state and federal anti-discrimination statutes.<sup>222</sup> These claims against the ASA misrepresent the academic boycott campaign and falsely equate criticism of Israel with discrimination against Jews. The boycott does not target individuals based on their religion, ethnicity, or national origin;

it targets Israeli institutions or corporations because of their ties to state policy or their complicity in human rights violations<sup>223</sup>—a form of speech activity that US courts have consistently held enjoys First Amendment protection and does not constitute illegal or discriminatory activity.<sup>224</sup>

The right-wing American Center for Law and Justice also threatened to sue the ASA and the hotel that hosted its 2014 conference, alleging that the group violated a California anti-discrimination law by excluding Israeli academics. In fact, as the ASA clarified in a public statement before the conference and elsewhere, “This allegation is false. . . . We welcome Israeli academics to attend, and in fact several are already scheduled to participate in the conference program.”<sup>225</sup> ASA director John Stephens explained that “no Israeli institution or anyone acting in a representative capacity has tried to register for the conference and been denied, nor been denied any other opportunity to attend or participate.”<sup>226</sup> (See Appendix entry for American Studies Association.)

In 2011, Adalah-NY organized a flash mob at New York City’s Grand Central Station to Journey’s “Don’t Stop Believin’,” singing instead “Don’t Stop Boycottin’” and identifying companies profiting from Israel’s occupation. YouTube removed the video of the action from its website and Stephen Perry of Journey and the copyright owners sued Adalah-NY in federal court for copyright infringement,<sup>227</sup> even though numerous parodies of the song were available at the time on YouTube.<sup>228</sup>

Also in 2011, five co-op members, with the support of the Israel advocacy group StandWithUs and the Israeli government,<sup>229</sup> sued sixteen former and then-current board members of the Olympia Food Co-op after the board voted unanimously to boycott Israeli goods.<sup>230</sup> The lawsuit alleged that the board exceeded its authority and breached its fiduciary duties by joining the boycott.<sup>231</sup> A Washington state court dismissed the complaint after the board members filed a motion under Washington’s anti-SLAPP (Strategic Lawsuit Against Public Participation) law providing for early dismissal of meritless suits targeting First Amendment-protected activity on an issue of public concern.<sup>232</sup> The state

appellate court affirmed the dismissal,<sup>233</sup> but, in May 2015, the Washington Supreme Court remanded the case to the superior court after finding that the anti-SLAPP statute violated Washington’s constitution.<sup>234</sup>

Six months before the lawsuit had even been filed, the Israeli consul general in San Francisco, Akiva Tor, traveled to Olympia, Washington, to meet with StandWithUs co-chairs Rob Jacobs and Carolyn Hathaway and an attorney representing the plaintiffs, as well as some “Olympia activists.”<sup>235</sup> After the filing of the suit, Danny Ayalon, then Israel’s Deputy Foreign Minister, said in response to a question about the involvement of the Israeli Ministry of Foreign Affairs in the lawsuit, “It is very important to make use of every means at our disposal, mainly legal means. . . . And it’s true, we are using this organization, StandWithUs, to amplify our power.”<sup>236</sup> Indeed, when the district court assessed fees and damages on five co-op members as part of their loss, StandWithUs boasted in a press release that it had posted the bond for them.<sup>237</sup> That high-level Israeli government officials would take such an interest in supporting Israel advocacy groups’



Jason Taelious

Sixteen former and then-current board members of the Olympia Food Co-op were sued after the board voted unanimously to boycott Israeli goods.



Students with SJP hold a henna fundraiser on February 11, 2013 at the University of California, Irvine.

challenge to a small, local food co-op's boycott illustrates the heightened interest in muzzling BDS and other advocacy on behalf of Palestinian human rights.

Threats of such suits often have a significant chilling effect. In May 2015, for example, the board of the GreenStar Natural Foods Market co-op in Ithaca, New York refused to put a referendum to boycott Israeli goods to a binding membership vote on the basis that such a boycott, "if approved, could lead to lengthy and expensive litigation and would likely be found to be in violation of a provision in New York State's Human Rights Law."<sup>238</sup> The following month, Shurat HaDin warned the president and general manager of the Park Slope Food Coop (PSFC) that "implementing BDS policies could result in severe criminal and civil liability for the PSFC and its officers."<sup>239</sup>

### Other Legal Claims

Israel advocacy groups have brought other lawsuits to stifle Palestinian rights activism and silence critics of Israel. In 2011, Shurat HaDin brought a federal lawsuit in New York to seize fourteen boats it alleged had been or would be used in a flotilla to Gaza to break the siege.<sup>240</sup> Shurat HaDin voluntarily dismissed the case<sup>241</sup> and then refiled it in federal court in Washington, DC; two years later, the court dismissed the case.<sup>242</sup> Shurat HaDin also sued a US satellite communications provider to prevent it from providing services to the flotilla, claiming it would be providing material support for terrorism.<sup>243</sup> Also in 2011, Shurat HaDin sued President Carter for \$5 million over his book, *Palestine:*

*Peace, Not Apartheid*, alleging that it "contains false information and was intended to deceive the public and promote an anti-Israel agenda."<sup>244</sup>

Others who speak out on behalf of Palestinian rights have been targeted by private individuals. In 2007, right-wing, Israel-aligned journalist Rachel Neuwirth sued liberal Jewish blogger Richard Silverstein and Stanford history professor Joel Beinin for libel in a California state court for calling her "Kahanist swine." After prolonged litigation, a jury ruled in favor of Professor Beinin in June 2011,<sup>245</sup> and a judge dismissed the case against Silverstein in August 2011.<sup>246</sup>

### Title VI Discrimination Complaints and Allegations

Organizations such as the ZOA, the Brandeis Center, and the AMCHA Initiative (or their leaders) have filed at least six meritless complaints with the DOE alleging that campus expression in support of Palestinian rights creates a hostile educational environment for Jewish students, in asserted violation of Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by institutions that receive federal funding.<sup>247</sup> A university violates Title VI when it acts with deliberate indifference—in a way that is "clearly unreasonable"—to known acts of harassment, resulting in the denial of a student's educational opportunities.<sup>248</sup> The complaints—filed against UC Irvine, UC Santa Cruz, UC Berkeley,<sup>249</sup> Rutgers University, Barnard College, and Brooklyn College (see Appendix entries)—generally allege that expression criticizing the state of Israel or advocating for Palestinian human rights constitutes "harassment" or "intimidation" that "targets" and creates a "hostile educational environment" for Jewish students on campus in violation of Title VI.

To date no such complaint has been sustained or found to have legal merit. The DOE dismissed cases against UC Irvine, UC Santa Cruz, and UC Berkeley in 2013 and Rutgers in 2014 with written determination letters stating that the First Amendment protects speech critical of the state of Israel and that such speech does not constitute a civil rights violation. The DOE also dismissed the complaint against Barnard in 2012, finding the evidence

insufficient to substantiate the allegations. In a complaint against Brooklyn College, the Israel advocacy group and the university reportedly reached a settlement during the investigation stage in 2014.<sup>250</sup>

In 2009, Tammi Rossman-Benjamin, founder of the AMCHA Initiative, filed a Title VI complaint alleging that four proposed Palestine-related events at UC Santa Cruz—a film and panel discussion on Palestine, a teach-in on Gaza, a program on the costs of war on Israeli society, and an event on the invasion of Gaza (the latter two were canceled)—created a hostile environment for Jewish students.<sup>251</sup> In 2013, the DOE found that the events “constituted (or would have constituted) expression on matters of public concern directed to the University community,” not actionable harassment.<sup>252</sup> Similarly, the complaint against UC Berkeley, filed by attorneys serving on the Brandeis Center advisory board,<sup>253</sup> alleged that the university violated Title VI because it failed to stop events such as a “mock checkpoint” dramatizing the interaction between Israeli soldiers and Palestinian civilians and debates about divestment from companies profiting from the Israeli occupation.<sup>254</sup> Again, the DOE determined that these instances represent “expression on matters of public concern” and not “actionable harassment.” DOE further noted that, “in the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience.”<sup>255</sup>

Despite the DOE’s conclusion that these cases lack legal merit, certain Israel advocacy organizations have threatened to bring similar complaints against a number of universities in order to pressure them to censor students and faculty advocating for Palestinian rights. For example, in July 2013, the ZOA wrote Northeastern University suggesting that it could be in violation of Title VI for failing to adequately respond to incidents that created a hostile environment for Jewish and “pro-Israel” students. Their examples included student messages such as “ISRAEL IS AN APARTHEID STATE,” stickers equating Zionism with racism, and “one-sided” course readings “hostile to Israel.”<sup>256</sup> The ZOA similarly threatened DePaul University in Chicago in 2015 after students held a fundraiser for a

Palestinian community activist facing deportation. (See Appendix entry for DePaul University.)

Meritless Title VI complaints—as well as the threat of future complaints—chill speech critical of Israel because they create a platform to level accusations of antisemitism and encourage universities to restrict criticism of Israel. As the architect of the Title VI strategy and director and general counsel of the Brandeis Center Kenneth Marcus explains, these complaints seek to chill speech:

Seeing all these cases rejected has been frustrating and disappointing, but we are, in fact, comforted by knowing that we are having the effect we had set out to achieve . . . . These cases—even when rejected—expose administrators to bad publicity. . . . No university wants to be accused of creating an abusive environment. . . . Israel haters now publicly complain that these cases make it harder for them to recruit new adherents . . . . Needless to say, getting caught up in a civil rights complaint is not a good way to build a resume or impress a future employer.<sup>257</sup>

Indeed, wary of the public relations fallout that Title VI complaints—and their invocations of “hostile” or “unsafe” environments—are designed to manufacture, administrators often opt to subject critics of Israel to extra scrutiny or restrict or condemn their speech. For example, in October 2014, the *Jewish Weekly* claimed that a “die-in vigil” drawing parallels between Ferguson and Gaza at CUNY’s John Jay College contributed to a “hostile environment” for Jewish students on campus.<sup>258</sup> (The CUNY system had settled a Title VI complaint the previous academic year.) A week later, the college president sent a letter to the campus community condemning SJP’s activities and linking them with a rise in antisemitism in Europe.<sup>259</sup>

At UCLA in spring 2014, student groups asked candidates for student government to sign an “ethics pledge” to decline free trips to Israel sponsored by lobby organizations. The AMCHA Initiative argued that the ethics pledge harassed and bullied Jewish students, making them feel unsafe on campus,<sup>260</sup> and demanded that the UCLA chancellor investigate and sanction

SJP for “violations of law,” including alleged violations of Title VI.<sup>261</sup> In response, the chancellor publicly condemned SJP’s ethics pledge as “intimidation.” (See Appendix entry for UCLA.) In March 2014, the student group Columbia SJP hung a banner stating “Stand for Justice, Stand for Palestine” that depicted a map of historic Palestine. The former president of Columbia’s Hillel initiated a campaign to take down the banner, complaining that it “threatens and makes many students on campus feel unsafe.” In response to complaints, Barnard, a prior target of a Title VI complaint, removed the banner and revised its banner policy. (See Appendix entry for Columbia/Barnard.) Likewise, a year after the ZOA threatened Northeastern with a Title VI complaint, administrators suspended the SJP chapter for distributing flyers raising awareness about Israeli home demolitions. (See Appendix entry for Northeastern.) In each of these incidents, allegations of harassment and intimidation of Jewish students came against the backdrop of a previous Title VI threat or investigation in the same university system.

## Legislation

Certain Israel advocacy organizations have leveraged their influence with federal, state, and local legislative bodies to restrict and disparage Palestinian rights advocacy. These legislative efforts serve to condemn or punish First Amendment protected activity such as advocating for boycotts. Lawmakers, sometimes at the behest of Israel advocacy groups, introduced at least eleven such measures in 2014<sup>262</sup> and at least another sixteen in the first half of 2015.<sup>263</sup>

In 2014, Congress and a number of states introduced legislation in response to the ASA’s resolution to boycott Israeli academic institutions that would bar universities from receiving federal or state funding (or reduce state funding) if they provided any aid in support of academic groups that advocate boycotting Israel. All of these measures failed. In New York, for example, legislation championed by Assembly Speaker Sheldon Silver failed to move forward after civil liberties and civil rights organizations, the teachers’ union, and the *New York Times* all came out in opposition to the measure.<sup>264</sup> Nonbinding resolutions condemning the academic boycott did pass legislative chambers in Florida, South Carolina, Maryland, and Pennsylvania.<sup>265</sup>

In 2015, state and federal lawmakers introduced a new wave of anti-boycott bills. In the House of Representatives, Illinois representative Peter Roskam and California representative Juan Vargas, backed by AIPAC,<sup>266</sup> introduced an amendment to a trade bill aimed at imposing anti-BDS policies on ongoing free trade agreement negotiations between the US and its trade partners in the EU. The amendment “discourage[s] politically motivated actions to boycott, divest from or sanction Israel,” and defines BDS as “actions . . . that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in Israeli-controlled territories.”<sup>267</sup> President Obama signed the measure into law on June 29, although the State Department reiterated that the Obama administration, like its predecessors since 1967, opposes Israeli settlements and “does not pursue policies or activities that would legitimize them.”<sup>268</sup> AIPAC publicly applauded the amendment,<sup>269</sup> which proponents consider “a hammer blow to the BDS movement—a campaign solely dedicated to the delegitimization and isolation of our ally Israel.”<sup>270</sup>

Lawmakers in the Illinois state legislature introduced an anti-boycott bill in February 2015.<sup>271</sup> The bill, which effectively creates a blacklist of companies that boycott Israel and requires state pensions to divest from these blacklisted companies, passed in May and was signed into law in July.<sup>272</sup> Although the measure was amended after Palestine Legal, CCR, the ACLU of Illinois, and other groups argued that a previous version unconstitutionally punished contractors on the basis of their political speech,<sup>273</sup> the law still raises serious constitutional questions about the government’s use of financial levers to punish or discourage speech. The Jewish United Fund lobbied for the legislation, expressing hope that it “will become a model for similar action in many other states.”<sup>274</sup> A similar bill was introduced in New Jersey in June 2015, along with nonbinding resolutions in other states condemning BDS.<sup>275</sup>

In New York, Assembly Member Charles Lavine also introduced a bill in June 2015 to bar New York from doing business or investing pensions in businesses that boycott Israel and to create a blacklist of such businesses and organizations.<sup>276</sup> The bill failed, but the State

Assembly passed a nonbinding resolution condemning the BDS movement,<sup>277</sup> as did legislative bodies in Indiana, Tennessee, and Pennsylvania.<sup>278</sup>

In Pennsylvania, lawmakers also sought to cut off state funding to colleges or universities that boycott or divest from Israel.<sup>279</sup> Palestine Legal, the ACLU of Pennsylvania, and CCR sent a letter to the sponsor identifying serious constitutional defects in the bill.<sup>280</sup> As of this writing, it has yet to pass.

In South Carolina, Governor Nikki Haley signed into law a bill aimed at quashing boycotts of Israel.<sup>281</sup> It prohibits any government or agency in the state from doing business with companies that engage in boycotts motivated by the race, color, religion, gender, or national origin of the targeted person or entity. Although facially neutral and inapplicable to BDS efforts motivated by concerns about human rights, state representative Alan Clemmons, who introduced the bill, described its real intent as being to target First Amendment–protected boycotts of Israel:

Discriminatory boycotts have historically been used as a form of economic warfare to forward the purposes of hatred and bigotry. . . . In this day and age, no group better demonstrates this fact than the Boycott, Divestment and Sanctions (BDS) movement in its effort to harm our great ally, Israel. . . . South Carolina has now become the first of what will undoubtedly be many states to enact legislation that confronts BDS.<sup>282</sup>

Local and state legislatures in California have also introduced measures to encourage universities to curtail activism for Palestinian rights. In 2012, the State Assembly passed a resolution that condemned speech critical of Israel, recommended that the University of California adopt an overly broad definition of antisemitism, now referred to as the “State Department definition,” that includes speech critical of Israel, and called on the university to punish such expression.<sup>283</sup> In July 2015, the full California legislature passed a second measure, a concurrent resolution, that invoked the State Department definition of antisemitism.<sup>284</sup> After Palestine Legal, CCR, students, and other advocates expressed concern to lawmakers that the

State Department definition conflated criticism of Israel with antisemitism and would result in the censoring of constitutionally protected speech critical of Israeli policies,<sup>285</sup> legislators amended the resolution to clarify that it did not intend to diminish the right to express speech that is “critical or supportive of the policies of any country.” Nonetheless, AMCHA urged the University of California to “enforce” the resolution.<sup>286</sup>

In 2014, the Los Angeles City Council introduced a resolution condemning a UCLA student campaign that asked student government leaders to sign a pledge to refuse free trips to Israel from Israel advocacy groups. The resolution also condemned students for filing a case with the student judicial council arguing that accepting such trips to Israel represented a material conflict of interest under UCLA student bylaws. The Los Angeles City Council resolution described the students’ efforts as “harassment” and “bullying” and urged the university to refer such cases to law enforcement.<sup>287</sup> After an outcry from students and a letter from Palestine Legal and CCR,<sup>288</sup> the City Council did not vote on the resolution. SJP at UCLA described the resolution as “a disturbing attempt to intimidate and silence students concerned with the integrity and transparency of their [student] council.”<sup>289</sup>

## Criminal Investigations and Prosecutions

In some instances, campaigns to falsely depict Palestinian rights advocates as antisemitic and linked to terrorism have attracted the attention of law enforcement, driving criminal investigations and prosecutions on charges ranging from disrupting a meeting to material support for terrorism. In one particularly dramatic example from February 2011, the Orange County district attorney (DA) charged eleven UC students with criminal misdemeanor counts of conspiring to disrupt a public meeting and disrupting a public meeting, after students read brief statements and walked out of a February 2010 speech by Michael Oren, then Israeli ambassador to the United States, at UC Irvine. The DA’s handling of the case drew allegations of misconduct: before filing charges, the DA’s office met with Simon Wiesenthal Center rabbi Aron Hier, along with UC Riverside’s Hillel director, to discuss the matter. During the pretrial period, the



Christine Geovanis

The Department of Homeland Security arrested Chicago civil rights advocate Rasmea Odeh for the rarely prosecuted offense of lying on a naturalization form.

judge reprimanded the DA for “tainting the jury pool by labeling the student defendants as anti-Semitic, declaring them guilty and other ‘ethically irresponsible’ statements.”<sup>290</sup> The DA also illegally used subpoenas intended for felony cases to obtain confidential attorney-client communications in the misdemeanor case.<sup>291</sup> The judge eventually ordered the DA to remove the main investigator and deputies from the case.<sup>292</sup> Nevertheless, on September 23, 2011, ten of the students were found guilty and sentenced to three years’ probation, fifty-six hours of community service, and fines. On appeal, the students challenged, among other things, the unconstitutional vagueness of the law used to prosecute them for protected speech activity, but the California Court of Appeals denied the students’ appeal in March 2014. (See Appendix entry for UC Irvine.)

Palestine advocacy has driven law enforcement to investigate students, academics, and activists in other contexts as well. Students at Northeastern University reported to Palestine Legal that police questioned them in February 2014 after they distributed mock eviction flyers in dorm rooms. (See Appendix entry for Northeastern.) Amid the scrutiny of Arab and Muslim communities after 9/11, federal law enforcement has conducted surveillance of Palestine solidarity groups along with other social justice movements.<sup>293</sup> Palestine

Legal has received reports from activists who have been contacted by the FBI to inquire about their activities, in at least one instance as a result of a website falsely accusing a Palestinian-American activist of supporting terrorism.<sup>294</sup>

In September 2010, FBI agents served grand jury subpoenas on twenty-three anti-war and pro-Palestinian activists in Minneapolis and Chicago (the ‘Midwest 23’), who associated with groups the FBI had infiltrated for years.<sup>295</sup> Agents raided the homes of several of them, seizing electronics, photographs, address books, and letters.<sup>296</sup> Agents procured the search warrants to gather “evidence related to ‘providing, attempting and conspiring to provide material support’” to designated terrorist organizations including Hezbollah, the Popular Front for the Liberation of Palestine, and the Revolutionary Armed Forces of Colombia.<sup>297</sup> The affidavit used to secure the warrants, which a court ordered unsealed in February 2014, consisted primarily of speech taken out of context, including jokes used to portray the activists as revolutionaries preparing for armed confrontations.<sup>298</sup> In fact, the affidavit shows that an undercover special agent repeatedly attempted to convince them to send \$1,000 to a designated terrorist organization.<sup>299</sup> All of the subpoenaed activists refused to testify before the grand jury and, while no indictments have been issued to

date, prosecutors have said that the investigation remains ongoing.

Activists and their attorneys believe that the investigation led to the indictment of Rasma Odeh, a colleague of one of the targets of the raids at the community organization the Arab American Action Network (AAAN). The FBI requested information from Israel about Odeh while investigating the AAAN.<sup>300</sup> The DHS arrested Odeh, a Chicago civil rights advocate and widely respected organizer in the Arab-American community, for the highly discretionary and rarely prosecuted offense of lying on a naturalization form—in this case for failing to indicate on her naturalization form a decade prior that an Israeli military court had convicted her in 1970 of an offense she maintains she did not commit and only confessed to under severe torture in prison.<sup>301</sup> In November 2014, a jury convicted her after a judge barred her from referencing her torture at the hands of Israeli agents and the trauma it produced during the naturalization process, even though the prosecution relied on Israeli military court documents and repeatedly referred to the crime they alleged she had committed.<sup>302</sup> Odeh spent nearly a month in a county jail, much of that time in solitary confinement,<sup>303</sup> until the judge agreed to release her on bond pending her sentencing. In March 2015, she received a sentence of eighteen months in prison, denaturalization, and deportation, but she has appealed the conviction and the sentence.<sup>304</sup>

Prosecutors have also relied upon “material support for terrorism” laws in other cases to criminalize criticism of Israel and charitable giving to Palestinians abroad. Such allegations predate 9/11 and even the development of the material support doctrine in the late 1990s and early 2000s.<sup>305</sup> For example, in 1987, immigration authorities arrested a Nigerian and seven Palestinian student activists who came to be known as the LA 8, and sought to deport them for their alleged ties to the Popular Front for the Liberation of Palestine (PFLP), a Marxist group. Prosecutors charged them under an anti-communist statute, but a federal court found the statute unconstitutional in 1989. Prosecutors then charged two of the eight “under a new immigration law, making material support of terrorist organizations a deportable offense.”<sup>306</sup> The evidence against them consisted of “lawful First Amendment activities, including

distributing newspapers, participating in demonstrations and organizing humanitarian aid fundraisers.”<sup>307</sup> After a two decade-long effort to deport the individuals, a legal ordeal involving four separate appearances before the Ninth Circuit Court of Appeals and one at the US Supreme Court, the Board of Immigration Appeals finally dismissed the case in 2007, calling it “an embarrassment to the rule of law.”

The expansion of material support laws since the mid-1990s and in the aftermath of 9/11 has enabled prosecutors to ramp up their efforts to prosecute individuals for purported association with designated terrorist groups, even when they lack evidence to do so. In one of the more high-profile cases, prosecutors in 2003 charged University of South Florida professor Sami al-Arian with providing material support to a terrorist organization.<sup>308</sup> The case relied almost entirely on Professor al-Arian’s First Amendment activities, including his speeches, writings, wiretapped phone conversations, and other advocacy.<sup>309</sup> Although acquitted of the most serious charges after a lengthy trial and years in solitary confinement at a maximum security prison, prosecutors charged him with civil and criminal contempt for refusing to testify at a grand jury hearing after he pled guilty to lesser charges to avoid further jail time. Prosecutors only dismissed charges against him in June 2014, after he spent five years under house arrest while the charges remained unresolved, clearing the way for his deportation under the terms of his plea agreement.<sup>310</sup> The US deported him to Turkey in February 2015.<sup>311</sup>

Prosecutors also relentlessly pursued a case against five Palestinian-Americans involved with the Holy Land Foundation, which was the largest US charity providing humanitarian aid to Palestinians before 9/11. Prosecutors relied on testimony from anonymous agents of Shin Bet, Israel’s internal security service, for their claims that the men sent aid to *zakat* (charity) committees in Palestine that they asserted were “under the influence of” Hamas.<sup>312</sup> After a mistrial, the government secured a conviction in the second trial—even though the government had failed to furnish evidence that the funds supported violent acts and USAID had funded the same committees—and the men received sentences of up to sixty-five years.<sup>313</sup>

In October 2012, the Supreme Court refused to review the case, despite the many constitutional issues implicated, including denial of the right to confront the anonymous Israeli secret service agents in violation of the defendants' Sixth Amendment rights.<sup>314</sup>

The government has also used material support laws to threaten groups seeking to deliver humanitarian aid peacefully as part of the 2011 Freedom Flotilla to Gaza. In 2010, Israel advocacy groups threatened Rutgers University, asserting that approval of a fundraiser for the US Boat to Gaza may violate material support laws, and Rutgers prevented the raised funds from being used to support the boat. (See Appendix entry for Rutgers University.) A June 24, 2011 State Department statement on the Gaza Flotilla declared that “delivering or attempting or conspiring to deliver material support or other resources to or for the benefit of a designated foreign terrorist organization, such as Hamas, could violate US civil and criminal statutes and could lead to fines and incarceration.”<sup>315</sup> Israel advocates have since accused many SJP chapters that hosted speakers from the Gaza Flotilla of “supporting terrorism,”<sup>316</sup> only furthering unsubstantiated claims of associations between Hamas and human rights advocates like SJP and the Flotilla organizers.<sup>317</sup>

Recent revelations have further demonstrated that the US government shares significant amounts of intelligence data with Israel. While the full extent of collaboration and coordination between US and Israeli government agencies in both surveillance and criminal prosecutions is unknown, information-sharing exposes activists and their relatives in Israel and the Occupied Palestinian Territory to danger.<sup>318</sup> Israeli authorities have also actively assisted in some prosecutions, providing leads, evidence against defendants, and even Israeli intelligence agents to serve as experts and testify anonymously in proceedings.<sup>319</sup>

# THE LEGAL IMPERATIVE TO PROTECT DISSENT

**N**early every incident documented by Palestine Legal in this Report involves some form of constitutionally protected speech, association, or expressive activity: a lecture, a protest, a street-theater action, a flyering effort, a boycott or divestment campaign, a fundraiser, or the wearing of a *kaffiyah*. By censoring, punishing, or chilling such protected expression, universities, colleges, government bodies, and other institutions threaten core First Amendment principles.<sup>320</sup>

First Amendment protection extends beyond mere “speech,” reaching activities intended as expressions of a particular message.<sup>321</sup> Boycotts “to bring about political, social and economic change” involve speech, association, and petition activities covered by the First Amendment.<sup>322</sup> As the Supreme Court has repeatedly made clear, precisely because speech critical of the status quo is frequently resented, speech does not lose any First Amendment protection simply because some deem it offensive, hurtful, or uncivil:

[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. . . . That is why freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.<sup>323</sup>

The Supreme Court has held that burning the American flag, burning a cross, holding signs that

say “God Hates the USA/Thank God for 9/11” at a fallen soldier’s funeral, and wearing a jacket with the words “Fuck the Draft” in a state courthouse are all constitutionally protected speech.<sup>324</sup>

*By censoring, punishing, or chilling such protected expression, universities, colleges, government bodies, and other institutions threaten core First Amendment principles.*

These holdings reflect the United States’ “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials.”<sup>325</sup>

Accordingly, speech on matters of public concern, like Israel/Palestine issues, “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”<sup>326</sup> That protection must be especially guarded at institutions of higher learning—institutions designed to teach critical thinking, challenges to orthodoxy, and tolerance of ideas. Because of “the dependence of a free society on free universities,”<sup>327</sup> the First Amendment “does not tolerate laws that cast a pall of orthodoxy over the classroom.”<sup>328</sup> Accordingly, the First Amendment binds public colleges and universities<sup>329</sup> and even governs actions taken by a student government that may be attributed to the university itself.<sup>330</sup> States such as California have extended First Amendment protections to students at private universities.<sup>331</sup> Many private universities have

also adopted policies that recognize the importance of free speech and expression on their campuses.

Furthermore, public officials and colleges may not burden a particular viewpoint, even when attempting to regulate the “time, place and manner” of events, protests, and other expressive conduct.<sup>332</sup> The Supreme Court has made clear that “discrimination against speech because of its message is presumed to be unconstitutional.”<sup>333</sup> Thus, students advocating for Palestinian rights at public universities have the right to use classrooms, lecture halls, and other spaces and resources on a non-discriminatory basis.<sup>334</sup> Restricting that right casts exactly the type of “disapproval on particular viewpoints” the Supreme Court warned “risks the suppression of free speech and creative inquiry [on] university campuses.”<sup>335</sup>

So many of this country’s cherished First Amendment principles, which are broadly protective of dissident speech, emerged in the cauldron of the civil rights and anti-war movements of the 1960s and 1970s, as the Supreme Court recognized that government restrictions on unpopular speech represent unreasonable measures to prevent challenges to the status quo or timely claims for social justice. The Court also no doubt recognized that authorities’ asserted concern regarding the civility or offensiveness of speech too frequently—and ultimately impermissibly—masks disagreement with the substantive claim for justice or critique of the status quo underlying that message. Judge Harry Leinenweber firmly rejected the University of Illinois at Urbana-Champaign’s attempt to justify its termination of Professor Salaita for tweets critical of Israel’s bombing of Gaza on the basis of its tone:

The university’s attempt to draw a line between the profanity and incivility in Dr. Salaita’s tweets and the views those tweets presented is unavailing; the Supreme Court did not draw such a line when it found Cohen’s “Fuck the Draft” jacket protected by the First Amendment. *Cohen v. California*, 403 U.S. 15, 26 (1971). The tweets’ content were certainly a matter of public concern, and the topic of Israeli-Palestinian relations often brings passionate emotions to the surface. Under these circumstances it would be nearly

impossible to separate the tone of tweets on this issue with the content and views they express. And the Supreme Court has warned of the dangers inherent in punishing speech on public matters because of the particular words or tone of the speech.<sup>336</sup>

Today, government officials, colleges, universities, and other institutions ignore this critical democratic value—and clearly established First Amendment law—when they accede to pressure from certain Israeli groups to limit speech and protest of Israeli government policies. An issue as significant as Israel/Palestine requires full, honest, and fair debate, not one in which one side is silenced, chilled, and punished. This country’s constitutional commitment—and the weighty questions presented by the situation in Israel/Palestine—require it.

# RECOMMENDATIONS

## To College and University Administrators

- Uphold your school’s educational mission to advance knowledge and foster an environment that invites, not discourages, open debate, as recognized under the First Amendment and principles of academic freedom.
- Do not investigate faculty members or students based solely on lawful expression critical of Israeli state policies.
- Conduct investigations in a fair, impartial, and expeditious manner that ensures due process and minimizes any adverse impact on First Amendment rights or academic freedom.
- Refrain from punishing or otherwise disproportionately burdening students and faculty for scholarship, speech, or other expressive conduct supporting Palestinian rights or critical of Israel.
- Do not require student groups to pay “security fees” when administrators or members of the public deem their events “controversial”; allocate funding for security when it is legitimately required instead of imposing the burden on student groups in ways that may limit the exercise of their First Amendment rights.
- Review campus regulations to ensure that they do not unlawfully burden free speech rights and are not being discriminatorily applied on the basis of viewpoint and revise where necessary.
- Include affected students, including SJP chapters, in discussions around the political climate on campus and solicit their input on issues, policies, and decisions that affect them and their protected expression.

## To the US Congress and State and City Legislatures

- Reject legislation that targets individuals or organizations on the basis of political viewpoint or lawful political expression, such as criticizing Israeli government policies or promoting divestment or boycott of Israel.
- Oppose legislation that restricts or penalizes protected protest or expression, like boycotts or socially responsible investment policies.
- Reform material support for terrorism laws to safeguard nonviolent First Amendment–protected activities, including political and human rights advocacy, distribution of literature, and philanthropy.
- Conduct hearings on the silencing and chilling of speech supporting Palestinian rights or critical of Israel.

## To the United States Department of State

- Revise the departmental definition of antisemitism to remove the vague and overbroad language that characterizes “delegitimizing,” “demonizing,” or applying a “double standard” to Israel as antisemitic.

## To the United States Department of Education’s Office for Civil Rights

- Clarify that expression criticizing the discriminatory or otherwise unlawful policies or practices of local, state, federal, or foreign governments does not give rise to a hostile environment under Title VI of the Civil Rights Act.

## **To Law Enforcement**

- Cease surveilling, opening investigations, or bringing criminal charges solely on the basis of political viewpoint or expressive conduct protected by the First Amendment.

## **What Can We Do?**

### **To Students, Professors and Activists**

- Document and notify Palestine Legal of incidents of censorship, pressure, or discriminatory treatment you have encountered for speaking out about Palestinian rights.
- Contact Palestine Legal in advance of an event, talk, or protest if you have any questions or concerns.
- Share your experience(s) with school administrators, institutional leaders, and other decision makers, and call on them to take concrete steps to protect your speech rights.

### **To Academic Associations, Student Governments, and Other Academic Advocacy Bodies**

- Publicly oppose legislative and other efforts to suppress advocacy for Palestinian rights, including student activism, faculty speech, and BDS.
- Support members who face backlash for speaking out on Palestinian rights.

### **To the General Public**

- Share this report with others—university administrators, public officials, members of Congress, family, friends, and neighbors—and tell them how the suppression of advocacy for Palestinian rights affects fundamental constitutional values.
- When you hear about an incident of suppression of Palestine advocacy, write to decision makers and media outlets to oppose it and contribute to efforts to support the targeted individual.

# NOTES

1. Since World War II, Israel has cumulatively received more US foreign aid than any other country. Although this aid has included significant economic assistance in the past, it now consists almost entirely of military assistance. US military aid, which averages over \$3 billion annually, “has helped transform Israel’s armed forces into one of the most technologically sophisticated militaries in the world” and “has been designed to maintain Israel’s ‘qualitative military edge’ (QME) over neighboring militaries.” US aid includes not just State Department-administered foreign assistance, but also funding from annual defense appropriations bills for rocket and missile-defense programs—a benefit not conferred on any other country. Jeremy M. Sharp, “U.S. Foreign Aid to Israel,” Congressional Research Service, June 10, 2015, <http://www.fas.org/sgp/crs/mideast/RL33222.pdf>; Steven Erlanger, “Israel to Get \$30 Billion in Military Aid from U.S.,” *New York Times*, August 17, 2007, <http://www.nytimes.com/2007/08/17/world/middleeast/17israel.html>.
2. The United States has vetoed eighty-three resolutions in the UN Security Council, forty-two of which involved the Israel-Palestine conflict. Since 2000 alone, the U.S. has wielded ten—out of a total of eleven—vetoes to protect Israel (United Nations, “Security Council—Quick Links,” updated July 13, 2015, <http://research.un.org/en/docs/sc/quick>; Jewish Virtual Library, “U.N. Security Council: U.S. Vetoes of Resolutions Critical to Israel,” updated 2015, <https://www.jewishvirtuallibrary.org/jsourc/UN/usvetoes.html>). In 2011, the Obama administration quashed a resolution condemning Israeli settlements; the United States stood alone among the fifteen members of the Security Council in failing to condemn the expansion of settlements in occupied Palestinian territory (United Nations, Security Council minutes, February 18, 2011, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.6484](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6484)).
3. For example, Samantha Power, the US ambassador to the UN, recently “appealed to U.N. Secretary-General Ban Ki-moon to remove Israel from a draft U.N. rogues list of government forces, rebel movements, and terrorist organizations accused of violating children’s rights in the midst of conflict.” After finding that as many as 500 Palestinian children were killed and more than 3,100 injured or maimed in Israel’s summer 2014 intervention in Gaza, the UN included Israel in its draft “annual report detailing abuses against children caught up in the middle of war” (Colum Lynch, “Israel’s Shield,” *Foreign Policy*, June 1, 2015, <http://foreignpolicy.com/2015/06/01/israels-shield/>). The UN presumably caved to US and Israeli pressure, ultimately leaving Israel out of the annual report (United Nations, “Security Council, Adopting Resolution 2225 (2015), Adds Parties Abducting Children During Armed Conflict to List Monitoring Grave Human Rights Violators,” June 18, 2015, <http://www.un.org/press/en/2015/sc11932.doc.htm>). The United States also adheres to a policy of shielding the Israeli nuclear program, refusing to publicly confirm its existence. The consequence of this policy “has been to help Israel maintain a distinctive military posture in the Middle East while avoiding the scrutiny—and occasional
- disapprobation—applied to the world’s eight acknowledged nuclear powers” (Douglas Birch and R. Jeffrey Smith, “Israel’s Worst-Kept Secret,” *Atlantic*, September 16, 2014, <http://www.theatlantic.com/international/archive/2014/09/israel-nuclear-weapons-secret-united-states/380237/>).
4. David Nakamura, Sean Sullivan, and David A. Fahrenthold, “Republicans Invite Netanyahu to Address Congress as Part of Spurning of Obama,” *Washington Post*, January 21, 2015, [http://www.washingtonpost.com/politics/in-state-of-the-union-obama-takes-credit-as-republicans-push-back/2015/01/21/dec51b64-a1681-1e4-b1465-77832eafcb4\\_story.html](http://www.washingtonpost.com/politics/in-state-of-the-union-obama-takes-credit-as-republicans-push-back/2015/01/21/dec51b64-a1681-1e4-b1465-77832eafcb4_story.html); Associated Press, “White House: Boehner Invite to Netanyahu Breach of Protocol,” January 21, 2015, *New York Times*, <http://www.nytimes.com/aponline/2015/01/21/world/middleeast/ap-us-obama-israel.html>.
5. The US media watchdog group Fairness and Accuracy in Reporting has written at length about the media’s construction of a false symmetry of Israeli and Palestinian violence and a false chronology of “start[ing] the clock with Palestinian aggression and Israeli retaliation,” most recently with respect to Israel’s 2014 operation in Gaza (Peter Hart, “Israel, Gaza and False Balance,” FAIR, September 1, 2014, <http://fair.org/extra-online-articles/israel-gaza-and-false-balance/>). After NBC’s only Arab-American correspondent, Ayman Mohyeldin, witnessed and tweeted about the killing of four Palestinian boys on a Gaza beach in July 2014, NBC pulled Mohyeldin from Gaza. Many criticized what they perceived as the network’s censorship of Mohyeldin, and NBC ultimately reinstated him due to the public backlash (Brian Stelter, “What Really Happened with NBC and Ayman Mohyeldin,” *CNN Money*, July 20, 2014, <http://money.cnn.com/2014/07/20/media/ayman-mohyeldin-nbc-news/>). An analysis of CNN coverage by PunditFact, a project of the *Tampa Bay Times*, found that Israeli officials made four times as many appearances as Palestinian officials on CNN during the first two weeks of the 2014 Gaza operation. Moreover, interviews with former Israeli ambassador Michael Oren—whom CNN hired as a Middle East analyst earlier that year—outnumbered all the interviews with Palestinian officials combined (Linda Qiu and Katie Sanders, “Fact-Checking Rula Jebreal’s Claim that CNN Interviewed 17 Israeli Officials vs. 1 Palestinian,” *Politifact*, July 24, 2014, <http://www.politifact.com/punditfact/statements/2014/jul/24/rula-jebreal/fact-checking-rula-jebreal-claims-cnn-had-17-israel/>). A study by Washington State University’s Susan Ross examined the framing of the conflict in thirteen months of *New York Times* editorials surrounding the 9/11 attacks, finding that the *Times* editorials of that period “were likely to depersonalize Palestinians and frame them as aggressors rather than victims. Commentary on Israeli acts of violence, in contrast, often favored law and order frames” (Susan Dente Ross, “Framing of the Palestinian-Israeli Conflict in Thirteen Months of *New York Times* Editorials Surrounding the Attack of September 11, 2001,” *Conflict & Communication*

- Online 2, 2003: 4). In her 2008 book, Northwestern University's Marda Dunskey argues that US media consistently omit two key contextual elements of the conflict: the impact of US foreign policy with respect to Israel and international consensus on the critical issues of Israeli settlements and Palestinian refugees (Marda Dunskey, *Pens and Swords: How the American Mainstream Media Report the Israeli-Palestinian Conflict*, New York: Columbia University Press, 2008).
6. John Mearsheimer and Stephen Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus and Giroux, 2007); Jonathan Broder, "Obama Girds for Fight with Israel Lobby over Iran Nuclear Deal," *Newsweek*, July 18, 2015, <http://www.newsweek.com/obama-girds-fight-israel-lobby-over-iran-nuclear-deal-355099>). Mearsheimer and Walt received significant backlash in advance of the book's publication, including accusations of antisemitism (Patricia Cohen, "Backlash over Book on Policy for Israel," *New York Times*, August 16, 2007, [http://www.nytimes.com/2007/08/16/books/16book.html?\\_r=0](http://www.nytimes.com/2007/08/16/books/16book.html?_r=0)).
  7. According to a Gallup poll, 62 percent said their sympathies lie with the Israelis and 16 percent said their sympathies lie with the Palestinians—percentages that have remained fairly consistent for decades (Gallup, "Seven in 10 Americans Continue to View Israel Favorably," February 23, 2015, <http://www.gallup.com/poll/181652/seven-americans-continue-view-israel-favorably.aspx>). According to a February 2015 Pew Research Center poll, 48 percent of Americans believe that the level of US support for Israel is about right, 29 percent believe that it is insufficient, and 22 percent believe that it is excessive (Pew Research Center, "More View Netanyahu Favorably Than Unfavorably; Many Unaware of Israeli Leader," February 27, 2015, <http://www.people-press.org/2015/02/27/more-view-netanyahu-favorably-than-unfavorably-many-unaware-of-israeli-leader/>). According to a 2015 Bloomberg Politics poll, 45 percent of Americans believe that the U.S. should support Israel even when its interests diverge and 47 percent believe that "Israel is an ally but we should pursue America's interests when we disagree with them" (Seltzer & Company, "Bloomberg Politics Poll," April 8, 2015, [https://web.archive.org/web/20150425214621/http://images.businessweek.com/cms/2015-04-14/140415\\_bloomberg\\_public\\_69598.pdf](https://web.archive.org/web/20150425214621/http://images.businessweek.com/cms/2015-04-14/140415_bloomberg_public_69598.pdf)).
  8. For example, in 2003, John Kerry observed that his rival for the Democratic presidential nomination, Howard Dean, was "imploding" over Israel. Dean developed an "Israel problem" after remarking that the United States should be "evenhanded" in its approach to the conflict and that "it's not our place to take sides" (Michelle Goldberg, "Howard Dean's Israel Problem," *Salon*, September 23, 2003, [http://www.salon.com/2003/09/23/dean\\_israel/](http://www.salon.com/2003/09/23/dean_israel/)). During his 2008 presidential campaign, Barack Obama's commitment to Israel was heavily scrutinized following his remark that "no one has suffered more than the Palestinians"—a remark that the candidate's detractors repeated ad nauseam. Obama quickly moved to crush the controversy, insisting that he meant that "nobody has suffered more than the Palestinian people from the failure of the Palestinian leadership to recognize Israel, to renounce violence, and to get serious about negotiating peace and security for the region" (Neela Banerjee, "Obama Walks a Difficult Path as He Courts Jewish Voters," *New York Times*, March 1, 2008, <http://www.nytimes.com/2008/03/01/us/politics/01obama.html?pagewanted=print>).
  9. Former president Jimmy Carter faced vicious attacks and even a lawsuit for speaking out about what he witnessed in Israel/Palestine, calling it apartheid. As longtime Middle East negotiator Aaron David Miller said, President Carter "has achieved a sort of radioactive status" on Israel-Palestine since publishing his book (Sheryl Gay Stolberg, "Carters Return to Capital, Onstage," *New York Times*, April 2, 2014, [http://www.nytimes.com/2014/04/03/us/camp-david-at-arena-stage-re-lives-78-peace-talks.html?hp&\\_r=0](http://www.nytimes.com/2014/04/03/us/camp-david-at-arena-stage-re-lives-78-peace-talks.html?hp&_r=0)). Top Democrats "rush[ed] to repudiate" the book in the weeks leading up to its release. (Jennifer Siegel, "Dems Repudiate Carter Book," *Forward*, October 27, 2006, <http://forward.com/news/5995/dems-repudiate-carter-book/>). Then President Carter embarked on the "book tour from hell"—he was "called a bigot, an anti-Semite, a liar, a plagiarist and a coward." Former Air America radio host and now senator Al Franken asked the former president, "Why do you hate the Jews?" (Eleanor Clift, "Carter's Book Tour from Hell," *Newsweek*, October 25, 2007, <http://www.newsweek.com/carters-book-tour-hell-103777>). President Carter even faced a lawsuit as a result of his book: the Israel advocacy organization Shurat HaDin sued him for \$5 million in 2011, alleging that the book "contains false information and was intended to deceive the public and promote an anti-Israel agenda" (Jordana Horn, "Jimmy Carter being sued for alleged falsehoods," March 2, 2011, <http://www.jpost.com/International/Jimmy-Carter-being-sued-for-alleged-falsehoods>). More recently, the former president famously revealed that President Obama does not reach out to him for advice, explaining, "I think the problem was that . . . the Carter Center has taken a very strong and public position of equal treatment between the Palestinians and the Israelis" (Carrie Dann, "Carter Says Obama Doesn't Call Him For Advice," NBC News, March 21, 2014, <http://www.nbcnews.com/politics/politics-news/carter-says-obama-doesnt-call-him-advice-n58991>).
  10. The Israel advocacy group UN Watch waged a "sustained defamation campaign" against Falk, calling him a racist, antisemite, supporter of terrorism, and 9/11 conspiracy theorist (UN Watch, "Richard Falk Defends Palestinian Resort to Violence, Praises Hamas for Pursuing 'Peaceful Co-Existence,' Attacks UN Watch for 'Defamatory Campaign,'" April 24, 2015, <http://blog.unwatch.org/index.php/category/richard-falk/>). Falk responded, "I have opposed and fought against racism for my entire adult life. It is true I have often opposed the policies pursued by states, including those of the United States and Israel, and I have sided with those who seem to have been denied their fundamental rights, but to conflate such stands with racism . . . is but one element in a wide ranging and frequently repeated denunciation of my views and activities" (Richard Falk, "For What?" *Global Justice in the 21st Century*, July 20, 2012, <https://richardfalk.wordpress.com/2012/07/20/for-what/>).
  11. As the State Department recounts in its archives, "The United Nations led the call for sanctions against the South African government. Fearful of losing friends in Africa as de-colonization transformed the continent, powerful members of the Security Council, including Great Britain, France, and the United States, succeeded in watering down the proposals. However, by the late 1970s, *grassroots movements in Europe and the United States succeeded in pressuring their governments into imposing economic and cultural sanctions on Pretoria*" (US State Department, "The End of Apartheid," n.d., <http://2001-2009.state.gov/r/pa/ho/time/pcw/98678.htm>, emphasis added). "In the end a concerted grassroots nonviolent civil resistance movement in coalition with international support and sanctions forced the white government to negotiate. . . . The decades of struggle saw the ebb and flow of a wide variety of strategic actions within the anti-apartheid movement. American theologian Walter Wink suggests the movement was 'probably the largest grassroots eruption of diverse nonviolent strategies in a single struggle in human history'" (Lester R. Kurtz, "The Anti-Apartheid Struggle in South Africa," International Center on Nonviolent Conflict, June 2010, [https://www.nonviolent-conflict.org/images/stories/pdfs/kurtz\\_south\\_africa.pdf](https://www.nonviolent-conflict.org/images/stories/pdfs/kurtz_south_africa.pdf), emphasis added; see also Francis Njubi Nesbitt, "The People's Sanctions," *Foreign Policy in Focus*, December 6, 2013, <http://fpif.org/peoples-sanctions/>).

12. BBC News, "Tens of Thousands of Protesters March in London for Gaza," August 9, 2014, <http://www.bbc.com/news/uk-28715052>; Hody Nemes, "Jews March in New York Rally Against Israel War in Gaza," *Forward*, July 24, 2014, <http://forward.com/news/israel/202796/jews-march-in-new-york-rally-against-israel-war-in/>; Randy Belisomo, "Thousands March in Downtown Chicago Protesting Attacks in Gaza," WGNtv.com, July 20, 2014, <http://wgntv.com/2014/07/20/thousands-march-in-downtown-chicago-protesting-attacks-in-gaza/>.
13. Israel's "Operation Protective Edge" also resulted in more than 2,000 Palestinians killed, more than 10,000 wounded, and massive destruction of Palestinian civilian infrastructure, including nearly 100,000 homes damaged and reduced to rubble. The Israeli army's targets included UN-run civilian shelters, schools, and even hospitals crowded with the injured (Jeremy Ashkenas, Archie Tse, Tim Wallace, Derek Watkins, and Karen Yourish, "Assessing the Damage and Destruction in Gaza," *New York Times*, August 15, 2014, [http://www.nytimes.com/interactive/2014/08/03/world/middleeast/assessing-the-damage-and-destruction-in-gaza.html?\\_r=0](http://www.nytimes.com/interactive/2014/08/03/world/middleeast/assessing-the-damage-and-destruction-in-gaza.html?_r=0); Agence France Presse, "UN Doubles Estimate of Destroyed Homes," *YNet*, December 19, 2014, <http://www.ynetnews.com/articles/0,7340,L-4605408,00.html>). Human rights organizations concluded that Israel committed war crimes in its assault. (Jeffrey Heller, "Human Rights Watch Accuses Israel of War Crimes in Gaza," Reuters, September 11, 2014, <http://www.reuters.com/article/2014/09/11/us-mideast-gaza-war-idUSKBN0H60XZ20140911>; *Guardian*, "Israel accused of war crimes during campaign in Gaza," November 5, 2014, <http://www.theguardian.com/world/2014/nov/05/israel-accused-war-crimes-gaza—amnesty-international>).
14. B'Tselem, "Statistics on Palestinians in the Custody of the Israeli Security Forces," August 3, 2015, [http://www.btselem.org/statistics/detainees\\_and\\_prisoners](http://www.btselem.org/statistics/detainees_and_prisoners); Addameer Prisoner Support and Human Rights Association, "Overview/Statistics," July 2015, <http://www.addameer.org/statistics>.
15. Amnesty International, *Report 2014/15: The State of the World's Human Rights*, 2015, <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>; B'Tselem, "Israel Holding More Than 470 Palestinians in Administrative Detention—Highest Number in 5 Years," updated June 23, 2015, [http://www.btselem.org/administrative\\_detention/20141007\\_spike\\_in\\_number\\_of\\_administrative\\_detainees](http://www.btselem.org/administrative_detention/20141007_spike_in_number_of_administrative_detainees); B'Tselem, "Statistics on Palestinian Minors in the Custody of the Israeli Security Forces," updated July 27, 2015, [http://www.btselem.org/statistics/minors\\_in\\_custody](http://www.btselem.org/statistics/minors_in_custody); Defense for Children International, "Military Detention," n.d., [http://www.dci-palestine.org/issues\\_military\\_detention](http://www.dci-palestine.org/issues_military_detention); Palestinian Center for Human Rights, *Weekly Reports 2009–15*, [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=category&id=84&Itemid=183](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&id=84&Itemid=183).
16. Amnesty International, *Report 2014/15*; B'Tselem, "Background on the Restriction of Movement," updated July 15, 2012, [http://www.btselem.org/freedom\\_of\\_movement](http://www.btselem.org/freedom_of_movement); Gisha, "Separating Land, Separating People: Legal Analysis of Access Restrictions between Gaza and the West Bank," June 2015, <http://gisha.org/UserFiles/File/publications/separating-land-separating-people/separating-land-separating-people-web-en.pdf>.
17. *Haaretz*, "State of Settlements, Not of Law," editorial, July 23, 2015, <http://www.haaretz.com/opinion/1.667352>; B'Tselem, "Land Expropriation and Settlements," updated January 23, 2014, <http://www.btselem.org/settlements>; Human Rights Watch, "Dispatches: Israeli Settlements Undermine Security" March 2, 2015, <https://www.hrw.org/news/2015/03/02/dispatches-israeli-settlements-undermine-security>; Edith Garwood, "Let's Be Clear: Israel's Long-Running Settlement Policy Constitutes a War Crime," Amnesty International, August 14, 2013, <http://blog.amnestyusa.org/middle-east/lets-be-clear-israels-long-running-settlement-policy-constitutes-a-war-crime/>.
18. Amnesty International, *Report 2014/15*; Amnesty International, "Families Under the Rubble: Israeli Attacks on Inhabited Homes," November 5, 2014, <https://www.amnesty.org/en/documents/MDE15/032/2014/en/>; B'Tselem, "Settler Violence: Lack of Accountability," updated June 3, 2012, [http://www.btselem.org/settler\\_violence](http://www.btselem.org/settler_violence); B'Tselem, "Beating and Abuse of Palestinians by the Israeli Security Forces," updated September 9, 2012, [http://www.btselem.org/beatings\\_and\\_abuse](http://www.btselem.org/beatings_and_abuse); B'Tselem, "Background on the Use of Firearms," January 1, 2011, <http://www.btselem.org/firearms>; B'Tselem, "Background on Demonstrations in the Territories," updated January 2, 2013, <http://www.btselem.org/demonstrations>; Breaking the Silence, "This is How We Fought in Gaza: Soldiers' Testimonies and Photographs from Operation 'Protective Edge,'" 2014, <http://www.breakingthesilence.org.il/pdf/ProtectiveEdge.pdf>; Human Rights Watch, "Israel: In-Depth Look at Gaza School Attacks," September 11, 2014, <http://www.hrw.org/news/2014/09/11/israel-depth-look-gaza-school-attacks>; Eyal Hareuveni, "Standing Idly By: IDF Soldiers' Inaction in the Face of Offenses Perpetrated by Israelis Against Palestinians in the West Bank," May 2015, *Yesh Din*, [http://www.yesh-din.org/userfiles/Yesh%20Din\\_Omdim%20Mineged\\_Eng\\_Web.pdf](http://www.yesh-din.org/userfiles/Yesh%20Din_Omdim%20Mineged_Eng_Web.pdf); Daniel Byman and Natan Sachs, "The Rise of Settler Terrorism," *Foreign Affairs* (September/October 2012), <https://www.foreignaffairs.com/articles/israel/2012-08-18/rise-settler-terrorism>.
19. Adalah, "The Discriminatory Laws Database," May 30, 2015, <http://www.adalah.org/en/content/view/7771>; Rula Jebreal, "Minority Life in Israel," *New York Times*, October 28, 2014, [http://www.nytimes.com/2014/10/28/opinion/rula-jebreal-minority-life-in-israel.html?\\_r=0](http://www.nytimes.com/2014/10/28/opinion/rula-jebreal-minority-life-in-israel.html?_r=0); Association for Civil Rights in Israel, "Arab Minority Rights," n.d., <http://www.acri.org.il/en/category/arab-citizens-of-israel/arab-minority-rights/>; Human Rights Watch, "Israel: Court Permits Discriminatory Evictions," May 19, 2015, <https://www.hrw.org/news/2015/05/19/israel-court-permits-discriminatory-evictions>; Human Rights Watch, "Israel: Bedouin Facing Mass Evictions from Their Land," August 30, 2013, <https://www.hrw.org/news/2013/08/30/israel-bedouin-facing-mass-evictions-their-land>; Human Rights Watch, *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools*, 2001, <http://www.hrw.org/reports/2001/israel2/ISRAEL0901.pdf>; Amnesty International, *Report 2014/15*; Amnesty International, "Israel/Occupied Territories: High Court Decision Institutionalizes Racial Discrimination," press release, May 16, 2006, <https://www.amnesty.ie/our-work/israeloccupied-territories-high-court-decision-institutionalizes-racial-discrimination>.
20. Palestinian BDS National Committee, "Introducing the BDS Movement," n.d., <http://www.bdsmovement.net/bdsintro>.
21. In June 2014, the Presbyterian Church (USA) voted to divest from three companies—Caterpillar, Hewlett-Packard, and Motorola Solutions—that "supply Israel with equipment used in the occupation of Palestinian territory." The Presbyterian Church (USA), "one of a handful of historic mainline Protestant denominations and the church of many American presidents," is the largest church to have divested so far (Laurie Goodstein, "Presbyterians Vote to Divest Holdings to Pressure Israel," *New York Times*, June 20, 2014, <http://www.nytimes.com/2014/06/21/us/presbyterians-debating-israeli-occupation-vote-to-divest-holdings.html>); Shelby Lin Erdman and Ben Brumfield, "Presbyterians Dump Companies They Say Are Tied

- to Palestinian Occupation,” CNN, June 22, 2014, <http://www.cnn.com/2014/06/21/us/presbyterian-church-palestinians/>. In May 2014, the Gates Foundation sold its entire stake in G4S, a UK-based corporation that signed a contract with the Israel Prison Service “to provide surveillance systems to Israeli prisons” (*Haaretz*, “Bill Gates Sells Shares in U.K. Firm Linked to Israeli Security Services,” May 31, 2014, <http://www.haaretz.com/news/diplomacy-defense/1.596344>; Tom Metcalf, “Gates Foundation Sells Stake in U.K. Prison Operator G4S,” *Bloomberg Business*, June 6, 2014, <http://www.bloomberg.com/news/articles/2014-06-06/gates-foundation-sells-stake-in-u-k-security-company-g4s>).
22. Students have passed divestment resolutions at Loyola, Wesleyan, Oberlin, DePaul, Evergreen, University of Toledo, Stanford, and the University of California campuses at Berkeley, Davis, Irvine, Los Angeles, Riverside, and San Diego (Debra Nussbaum Cohen, “Israel Divestment Efforts Increasing on U.S. Campuses,” *Haaretz*, April 20, 2015, <http://www.haaretz.com/jewish-world/jewish-world-news/.premium-1.652673>). In addition, the Wayne State University student council voted to endorse divestment in April 2003 (WSU Board of Governors, “Resolution on Response to Divestiture Request,” April 30, 2003, <http://bog.wayne.edu/meetings/2003/04-30/board0403-divestiture.pdf> *Arab American News*, “WSU Student Council Votes for Divestiture,” May 2, 2003, [http://4.bp.blogspot.com/\\_Ebl-ZBUj7TAg/S9GHXfkzyeI/AAAAAAAAAIg/38IsFh4of0/s1600/WSU.bmp](http://4.bp.blogspot.com/_Ebl-ZBUj7TAg/S9GHXfkzyeI/AAAAAAAAAIg/38IsFh4of0/s1600/WSU.bmp); the University of Michigan at Dearborn student government voted to endorse divestment in February 2010 (Anti-Defamation League, “Boycott & Divestment Efforts Proliferate on Campus,” April 8, 2009, [http://archive.adl.org/main\\_anti\\_israel/boycott\\_divestment\\_campus\\_09c089.html#Vc9-7fViko](http://archive.adl.org/main_anti_israel/boycott_divestment_campus_09c089.html#Vc9-7fViko)); the University of Massachusetts at Boston student government voted unanimously to endorse divestment in April 2012 (UMass Boston Undergraduate Student Government, “A Bill in Support of UMass Divestment from Companies that Profit from or Provide Material Support to War Crimes and/or Human Rights Violations,” April 18, 2012, <http://www.scribd.com/doc/90825810/A-Bill-in-Support-of-UMass-Divestment-from-Companies-that-Profit-from-or-Provide-Material-Support-to-War-Crimes-and-or-Human-Rights-Violations>); the Arizona State University student government voted unanimously to endorse divestment in June 2012 (Students for Justice in Palestine ASU Chapter, “Arizona State University Student Government Votes to Divest from Israel,” June 5, 2012, <http://sjpalestine.com/arizona-state-university-student-government-votes-to-divest-from-israel/>; Monica Perez, “U. Group Petitions Divestment from Israel,” *Brown Daily Herald*, November 19, 2012, <http://www.browndailyherald.com/2012/11/19/u-group-petitions-divestment-from-israel/>); the University of California-Santa Cruz student government voted to endorse divestment in May 2014 (Anti-Defamation League, “BDS on American College Campuses, 2013–14 Year in Review,” June 3, 2014, <http://www.adl.org/israel-international/anti-israel-activity/bds-on-american-college.html>); the Northwestern University student senate voted to endorse divestment in February 2015 (*Haaretz*, “Northwestern U. Students Pass Israel Divestment Resolution,” February 19, 2015, <http://www.haaretz.com/news/world/1.643256>); the Earlham College student senate voted unanimously to endorse divestment in April 2015 (Jewish Telegraphic Agency, “Earlham College Student Senate Passes Divestment Resolution,” April 29, 2015, <http://www.jta.org/2015/04/29/news-opinion/united-states/earlham-college-student-senate-passes-divestment-resolution>); the Oglethorpe University student government voted to endorse divestment with “near complete unanimity” in May 2015 and the Princeton University graduate student body voted to endorse divestment in May 2015 (AMCHA Initiative, “Antisemitic Divestment from Israel Initiatives – Scorecard on U.S. Campuses 2012-2015,” updated May 29, 2015, <http://www.amchainitiative.org/israel-divestment-vote-scorecard/>). Other student governments that have voted to endorse divestment include Concordia University, Marquette University, and Hampshire College (CAMERA on Campus, “Boycott, Divestment, and Sanctions (BDS),” n.d., [http://www.cameraoncampus.org/campus-programs/BDS%20Movement/bds.html#\\_VbKwffkscS4](http://www.cameraoncampus.org/campus-programs/BDS%20Movement/bds.html#_VbKwffkscS4)).
  23. When campaigns to boycott the Israeli company SodaStream—which operates in an illegal settlement in the occupied West Bank—began gaining traction in early 2014, the company’s stock and revenue dropped. (Jodi Rudoren, “Israeli Firm, Target of Boycott, to Shut West Bank Plant,” *New York Times*, October 30, 2014, <http://www.nytimes.com/2014/10/31/world/middleeast/sodastream-to-close-factory-in-west-bank.html>; Duncan Oleinic, “Buyers Seek SodaStream International Ltd (NASDAQ:SODA), But Boycott Fears Hang Around,” *Wall Street PR*, May 23, 2014, <http://wallstreetpr.com/buyers-seek-sodastream-international-ltd-nasdaq-soda-but-boycott-fears-hang-around-23356>). In October of that year, SodaStream announced plans to close its settlement factory by mid-2015 (Mike Esterl, “SodaStream to Close West Bank Factory By Mid-2015,” *Wall Street Journal*, October 29, 2014, <http://www.wsj.com/articles/sodastream-to-close-controversial-west-bank-factory-by-mid-2015-414599238>). After a global campaign against its projects in illegal settlements, the French corporation Veolia announced in April 2015 that it had closed the sale of nearly all of its activities in Israel. (Veolia, “Veolia closes the sale of its activities in Israel,” press release, April 1, 2015, <http://www.veolia.com/en/veolia-group/media/press-releases/veolia-closes-sale-its-activities-israel>). A Veolia official speaking to a reporter on condition of anonymity acknowledged the financial impact of the BDS campaign, admitting that the campaigns have “lost us important contracts” (*Manila Bulletin*, “Jerusalem’s Light Rail Finally Ready to Roll,” November 27, 2010, <https://sg.news.yahoo.com/jerusalem-light-rail-finally-ready-roll.html>). Leading Israeli agricultural exporter Agrexco—which marketed and sold produce from illegal settlements—declared bankruptcy in August 2011 “partially due to the global boycott of its produce” (Giulio Meotti, “Is BDS Campaign Working?” *YNet*, August 21, 2011, <http://www.ynetnews.com/articles/0,7340,L-4115718,00.html>). The Israeli cosmetics company Ahava, whose manufacturing plant is located on the shores of the Dead Sea in an illegal settlement, was forced to close its flagship store in London in September 2011. According to an Ahava spokesman, “The shop wasn’t profitable. The protests damaged our image and created negative media coverage. We are a commercial company and we must conduct cost-benefit calculations” (Yaniv Halily, “AHAVA Closes London Store over Threats,” *YNet*, September 22, 2011, <http://www.ynetnews.com/articles/0,7340,L-4125530,00.html>). In April 2013, the British multinational security services company G4S “confirmed it is planning to quit key contracts in Israel amid protests against its involvement in settlements within occupied Palestinian territories.” The company apparently fears the “reputational dangers” of its contracts in Israel (Gill Pillmer, “G4S to Quit Key Contracts in Israel,” *Financial Times*, April 21, 2013, <http://www.ft.com/intl/cms/s/0/14e992ca-aa7a-11e2-9a38-00144feabd0.html#axzz3gwV19IAA>).
  24. “Advocates for Palestinians have linked divestment to social justice movements against racism, militarization and globalization that are important to many college students. United Students Against Sweatshops, which focuses on labor rights, endorsed National Students for Justice in Palestine. In 2013, the council of the Native American and Indigenous Studies Association endorsed a boycott of Israeli academic institutions. Campus divestment advocates often come to student government hear-

- ings with the backing of student associations for blacks, South Asians, Mexican-Americans, gays and others” (Associated Press, “Anti-Israel Divestment Push Gains Traction at US Colleges,” *New York Times*, February 28, 2015, <http://www.nytimes.com/aponline/2015/02/28/us/ap-us-israel-on-campus.html>). “At University of California schools, Muslim and Jewish students are a minority. The divestment resolutions at UC campuses have been approved with a coalition of groups, including Asian Americans, African Americans and Latinos. ‘Everyone sees commonalities to the Palestinian struggle,’ [UC-Davis SJP President Marcelle] Obeid said. ‘A lot of minority groups really sympathized and voted with their morals’” in the January 2015 UC Davis divestment vote (Richard Chang and Darrell Smith, “UC Students’ Israeli Divestment Push Diverges from Elite Schools,” *Sacramento Bee*, February 12, 2015, <http://www.sacbee.com/news/local/education/article9936056.html>). Stanford Out of Occupied Palestine, a coalition of nineteen student groups spearheading divestment efforts at Stanford University, includes among its members the Black Student Union, the Stanford NAACP, the American Indian Organization, MEChA de Stanford, the Asian American Students’ Association, First Generation Low Income Partnership, the Student and Labor Alliance, Students for Queer Liberation, and SJP (Stanford Out of Occupied Palestine, “Stanford Re-votes, Divestment Passes in a Landslide Victory,” press release, *Mondoweiss*, February 18, 2015, <http://mondoweiss.net/2015/02/stanford-divestment-landslide>).
25. During the first SJP national conference at Columbia University in October 2011, attendees participated in weekend protests at the Occupy Wall Street encampment in New York City’s financial district. They also addressed the Occupy general assembly, reporting that feedback from protesters was positive and that “people are thinking very intelligently about coalition politics” and linkages between struggles (Palestinian BDS National Committee, “Occupy Wall Street Not Palestine!” October 14, 2011, <http://www.bdsmovement.net/v2/2011/occupy-wall-street-not-palestine-8163>; Anti-Defamation League, “Anti-Israel Groups Attempt to Co-Opt Occupy Wall Street Message,” November 15, 2011, <http://www.adl.org/israel-international/anti-israel-activity/c/anti-israel-occupy-wall-street.html>). SJP chapters also teamed up with local Occupy organizers—to create “TIAA-CREF’s Checkpoint Reality Check,” for example (Anna Baltzer, “Member Groups Join the Global BDS Day of Action!” US Campaign to End the Occupation, April 11, 2012, <http://endtheoccupation.org/article.php?id=3207>). In January 2015, a delegation of Black Lives Matter, Ferguson, and Dream Defenders leaders traveled to Palestine to reestablish and strengthen “the connections between the African American leadership of the movement in the US and those on the ground in Palestine” (Kristian Davis Bailey, “Dream Defenders, Black Lives Matter & Ferguson Reps Take Historic Trip to Palestine,” *Ebony*, January 2015, <http://www.ebony.com/news-views/dream-defenders-black-lives-matter-ferguson-reps-take-historic-trip-to-palestine#axzz3gxXE66E7>). Co-founder of Black Lives Matter Patrisse Cullors said upon her return from Palestine, “There was this kindredness that we felt with Palestinians as Black people. The constant battering and terrorizing by military, and for us, by police, is eerily similar” (Laura Flanders, “Black Lives Matter’s Patrisse Cullors on Creating a New Economy of Nonviolence,” *Truthout*, May 19, 2015, <http://www.truth-out.org/news/item/30842-black-lives-matters-patrisse-cullors-on-creating-a-new-economy-of-non-violence>). Cullors endorsed Stanford University’s divestment campaign, writing that she and her fellow delegates to Palestine “made a commitment during our trip to support the end to systemic human rights abuses against Palestinians through BDS” (US Campaign for the Academic and Cultural Boycott of Israel, “USACBI Launches New Academic and Cultural Boycott Initiatives,” *USACBI Newsletter* 1(1), February 2015, <http://www.usacbi.org/2015/02/usacbi-newsletter-february-2015/>). SJP and the Dream Defenders—a group of young people who came together after Trayvon Martin’s death in 2012 and are now at the forefront of the Black Lives Matter movement—have attended each other’s conferences and worked together on campuses (Alex Kane, “The growing ties between #BlackLivesMatter and Palestine,” *Mondoweiss*, January 26, 2015, <http://mondoweiss.net/2015/01/between-blacklivesmatter-palestine>). The Dream Defenders unanimously passed a resolution in support of BDS (Bailey, “Dream Defenders”). SJP chapters have hosted Black Lives Matter leaders at campus events and joined with other student groups to organize Black Lives Matter demonstrations (SJP Loyola University Chicago, “Events,” <http://www.sjployola.com/calendar-of-events.html>).
  26. National Students for Justice in Palestine, “About,” updated 2013, <http://sjpnational.org/about/>.
  27. See, e.g., Students for Justice in Palestine at UC Berkeley, <http://calsjpp.org/>, Students for Justice in Palestine at San Jose State University, <https://www.facebook.com/sjsusjpp>, NYU Students for Justice in Palestine, <http://nyusjpp.org/>, City University of New York, College of Staten Island Students for Justice in Palestine, <https://connect.csi.cuny.edu/organization/SJP/about>, Students for Justice in Palestine at the University of Delaware, <https://studentcentral.udel.edu/organization/sjp>, Students for Justice in Palestine at the University of California, San Diego, <http://www.sjpuccd.com/>; Students for Justice in Palestine at San Diego State University, <http://www.sjpsdsu.com/sjp.html>, University of California at Riverside Students for Justice in Palestine, <https://highlanderlink.ucr.edu/organization/sjp/about>, Boston University Students for Justice in Palestine, <https://highlanderlink.ucr.edu/organization/sjp/about>, University of New Mexico, Students for Justice in Palestine, <http://unmsjp.org/about/>.
  28. Adalah-NY, “Adalah-NY Statement,” n.d., <https://adalahny.org/page/130/adalahny-statement>.
  29. Adalah-NY’s campaign against construction magnate Lev Leviev has yielded a series of high-profile successes. In January 2008, after receiving a letter from Adalah-NY demanding that it “stop accepting charitable donations from Leviev,” Oxfam International publicly distanced itself from Leviev. The British charity issued a statement saying that Leviev “has not been a donor to Oxfam or any of its affiliates” and that the charity was “checking thoroughly whether any Oxfam has had any relationship with Mr. Leviev.” (Jewish Telegraphic Agency, “British Charity Asked to Shun Leviev,” January 13, 2008, <http://www.jta.org/2008/01/13/news-opinion/british-charity-asked-to-shun-leviev>).
  30. Murtaza Hussain, “A Small Band of Activists Is Humiliating an Israeli Shipping Giant,” *Intercept*, October 31, 2014, <https://firstlook.org/theintercept/2014/10/31/block-boat-work-middle/>; American Muslims for Palestine, “AMP, Coalition Blocks Israeli Ship in Los Angeles,” n.d., <http://www.ampalastine.org/index.php/newsroom/articles/592-amp-coalition-blocks-israeli-ship-in-los-angeles>.
  31. Center for Constitutional Rights, “Israel’s Attacks on United States Human Rights Defenders since 2003,” n.d., <http://ccrjustice.org/sites/default/files/assets/US%20HRDs%20Injured%20and%20Killed%20updated%202014%202.pdf>.
  32. Greg Myre, “Israeli Army Bulldozer Kills American Protesting in Gaza,” *New York Times*, March 17, 2003, <http://www.nytimes.com/2003/03/17/world/israeli-army-bulldozer-kills-ameri->

- can-protesting-in-gaza.html; Elizabeth Corrie, "Killed in Israel: A Year of Silence since Rachel Corrie Died," *New York Times*, March 4, 2004, [http://www.nytimes.com/2004/03/04/opinion/04iht-edcorrie\\_ed3\\_.html](http://www.nytimes.com/2004/03/04/opinion/04iht-edcorrie_ed3_.html).
33. Robert Booth, Harriet Sherwood, and Justin Vela, "Gaza Flotilla Attack: Autopsies Reveal Intensity of Israeli Military Force," *Guardian*, June 4, 2010, <http://www.theguardian.com/world/2010/jun/04/gaza-flotilla-attack-autopsy-results>; Roger Cohen, "The Forgotten American," *New York Times*, July 26, 2010, <http://www.nytimes.com/2010/07/27/opinion/27iht-ed-cohen.html>.
  34. Matthew Kalman, "Israeli Inquiry into Rachel Corrie Death Insufficient, US Ambassador Tells Family," *Guardian*, August 24, 2012, <http://www.theguardian.com/world/2012/aug/24/israel-rachel-corrie-us-ambassador>; Neil MacFarquhar, "UN Leader Criticizes Israeli Plan for Inquiry," *New York Times*, June 18, 2010, <http://www.nytimes.com/2010/06/19/world/middleeast/19nations.html>; Amnesty International UK, "Israeli Inquiry into Gaza Flotilla Deaths No More Than a Whitewash," press release, January 28, 2011, <http://www.amnesty.org.uk/press-releases/israeli-inquiry-gaza-flotilla-deaths-no-more-whitewash>.
  35. In March 2003, US Representative Brian Baird introduced a congressional resolution calling on the US government to "undertake a full, fair, and expeditious investigation" into Rachel Corrie's death. The House of Representatives failed to act on the resolution (Congressional Resolution 111, 108<sup>th</sup> Congress, 2003, <https://www.congress.gov/bill/108th-congress/house-current-resolution/111/all-info>). The US government never investigated the death of Furkan Doğan, instead deferring to the Israeli government to conduct an investigation. Even as Israel consistently refused to inform the United States about the findings of the Israeli inquiry—despite initial promises otherwise—the United States maintained that it would not launch its own investigation into the death of its citizen (Center for Constitutional Rights, "Gaza Flotilla FOIA Production Guide: Furkan Doğan," February 2013, <https://ccrjustice.org/sites/default/files/assets/Production%20Guide%20Furkan%20Dogan.pdf>).
  36. When an Israeli court ruled in 2012 that Israel bore no responsibility for Rachel Corrie's death, the US Embassy declined to comment on the verdict. At a news conference following the verdict, Corrie's mother said, "A lawsuit is not a substitute for a legal investigation, which we never had. The diplomatic process between the United States and Israel failed us." The Palestine Liberation Organization's Hanan Ashrawi said in a post-verdict statement that the US government "has been noticeably absent, and its silence is deafening," calling Washington "complicit in compounding the crime" (Jodi Rudoren and Danielle Ziri, "Court Rules Israel Is Not at Fault in Death of American Activist," *New York Times*, August 28, 2012, <http://www.nytimes.com/2012/08/29/world/middleeast/court-rules-israel-wasnt-at-fault-in-rachel-corries-death.html>). In September 2010, a UN Human Rights Council fact-finding mission submitted its report on the Gaza flotilla raid, concluding that "a series of violations of international law...were committed by the Israeli forces" and that there is "clear evidence to support prosecutions." The United States said it was "concerned with the tone, content, and conclusions of the report" (*Jerusalem Post*, "US Concerned UNHRC Flotilla Probe May Stop Peace Talks," September 28, 2010, <http://www.jpost.com/International/US-concerned-UNHRC-flotilla-probe-may-stop-peace-talks>). The UN Human Rights Council voted to endorse the report; the United States was the only country to vote against endorsement (Colum Lynch, "U.N. Panel Endorses Report Accusing Israel of Executions Aboard Aid Flotilla," *Washington Post*, September 30, 2010, [http://www.washingtonpost.com/wp-dyn/content/article/2010/09/29/AR2010092907110.html?wprss=rss\\_print/asection](http://www.washingtonpost.com/wp-dyn/content/article/2010/09/29/AR2010092907110.html?wprss=rss_print/asection)).
  37. Jewish Voice for Peace (JVP) describes itself as a "national membership organization inspired by Jewish tradition to work for the freedom, equality, and dignity of all the people of Israel and Palestine" (Jewish Voice for Peace, n.d., <https://jewishvoiceforpeace.org>). JVP reported experiencing a surge of interest, noting in early August 2014 that "our mailing list grew by 50,000 in 3 weeks and we can't keep up with the demand for new chapters" (Jewish Voice for Peace, "Growing Movement of American Jews Speaking Out against Assault on Gaza," press release, August 4, 2014, <https://jewishvoiceforpeace.org/blog/growing-movement-of-american-jews-speaking-out-against-assault-on-gaza>).
  38. Jews Say No!, "a group of concerned Jews in and around New York City," "formed in December 2008/January 2009 at the time of Israel's invasion of Gaza to express our opposition to the siege of Gaza and to Israel's oppression of the Palestinian people." (Jews Say No!, "About Us," n.d., <http://jewssayno.org/about/>).
  39. The International Jewish Anti-Zionist Network (IJAN) identifies as "an international network of Jews who are uncompromisingly committed to struggles for human survival and emancipation, of which the liberation of the Palestinian people and land is an indispensable part." (IJAN, "Who We Are," n.d., <http://www.ijan.org/who-we-are/>).
  40. Open Hillel, a student campaign, aims to "encourage inclusivity and open discourse" about Israel at campus Hillel groups, which currently "exclude certain groups . . . based on their political views on Israel" (Open Hillel, "About," n.d., <http://www.openhillel.org/about.php>).
  41. The American Friends Service Committee (AFSC), which describes itself as "a Quaker organization that promotes lasting peace with justice," works on issues ranging from drone warfare to immigrants' rights to prison privatization to economic inequality. AFSC supports "boycott and divestment campaigns targeting companies that support the occupation, settlements, militarism, or any other violations of international humanitarian or human rights law" (American Friends Service Committee, "Economic Activism," n.d., <http://afsc.org/key-issues/issue/economic-activism>).
  42. American Muslims for Palestine focuses on "educating people about Palestine" and the occupation. (American Muslims for Palestine, "What Is AMP?" n.d., <http://www.ampal.org/index.php/about-amp/amp-faq/212-what-is-amp>).
  43. The U.S. Campaign to End the Israeli Occupation uses BDS and legislative advocacy campaigns to hold the U.S. government, corporations, and other institutions accountable for their roles in sustaining the occupation. (U.S. Campaign to End the Israeli Occupation, "FAQ," n.d., <http://www.endtheoccupation.org/article.php?id=1193#USCMainFocus>).
  44. Muslim Student Associations (MSA), or Muslim Student Unions, which serve Muslim communities on campus and raise awareness about Islam and Muslims, focus primarily on religious, cultural, and political programming, including Islam Awareness Week events, Hijab Day gatherings, and weekly congregational prayers. While some chapters elect to organize events about Palestine, others opt not to, for reasons ranging from limited capacity to divergent member interests. The mission statement of MSA West, a regional organization of MSA chapters on the West Coast, explains: "A Muslim Student Association is an organization built to serve the needs of Muslim college students through the establishment of faith, unity, and activism. The purpose of an MSA is to serve as a platform to encourage the growth of its members spiritually, socially, and academically."

This is a goal driven by our purpose—to inspire all members to grow with ethics derived from Islam in order to become model members of society. For decades, MSAs have always had an active voice in education, justice, and advocacy—working to uphold and support the communities around them” (MSA West, n.d., <http://www.msawest.net/>).

45. In the context of a conference intended to improve Israel advocacy groups’ efforts to “discredit or otherwise neutralize the activities of [Palestine solidarity groups and individuals]” in social media realms, a Reut Institute official “acknowledge[d] the weakness of Israel’s propaganda ‘in an ecosystem populated with social networks, virtual communities, and extreme diversity’” (Ben White, “Israeli Think Tank Holds Anti-BDS ‘Hackathon,’” *Middle East Monitor*, January 16, 2015, <https://www.middleeastmonitor.com/blogs/politics/16395-israeli-think-tank-holds-anti-bds-hackathon>). Others have disparaged the connections that Palestine activists have forged with other social justice causes. The executive director of UCLA’s Hillel, Rabbi Chaim Seidler-Feller, stated, with no sense of the irony of the history of conquest and colonization of the groups he criticizes, that “campus politics have been hijacked by a group of students who are intent to conquer,” adding, “The coalition of Arab, Muslim, Latino, Asian and gay students. They’re all oppressed minorities” (Chang and Smith, “UC Students’ Israeli Divestment Push”).
46. The University of California San Diego student council passed a divestment resolution after debating the resolution for eight hours and hosting a four-hour public input forum that drew over 250 students, faculty, and community members. (Andrew Doolittle, “A.S. Council Passes SJP Divestment Resolution,” *UCSD Guardian*, March 25, 2015, <http://ucsdguardian.org/2013/03/07/divestment-vote-postponed/>; <http://ucsdguardian.org/2013/03/25/a-s-council-passes-sjp-divestment-resolution/>). The University of California Berkeley student senate passed the divestment resolution after ten hours of intense debate that ended at around 5:30 in the morning. The vote was “dramatic” and “emotional for all sides,” with “[a]t least three senators [breaking] down in tears as they gave their final comments following the vote.” (Jeremy Gordon and Daphne Chen, “ASUC Senate passes Israel Divestment bill SB 160, 11-9,” *The Daily Californian*, April 18, 2013, <http://www.dailycal.org/2013/04/18/asuc-senate-passes-divestment-bill-11-9/>). The Northwestern University Associated Student Government Senate voted to endorse divestment after more than five hours of debate. (Shane McKeon, “After more than five hours of debate, ASG Senate narrowly passes NUDivest resolution,” *The Daily Northwestern*, February 19, 2015, <http://dailynorthwestern.com/2015/02/19/campus/after-debate-associated-student-government-senate-narrowly-passes-nudivest-resolution-bds-divestment-northwestern/>). The student government of Loyola University Chicago passed a divestment resolution after more than four hours of public comments and senate debate. “The public comments section of the meeting was tense.” (“Student Senate Government says yes to divest,” *Loyola Phoenix*, March 26, 2015, <http://www.loyolaphoenix.com/student-government-senate-says-yes-to-divest>).
47. Students at DePaul University voted in favor of a divestment referendum even after “immense outside interference by pro-Israel lobbyist group StandWithUs, whose paid staff frequently presented themselves as individuals affiliated with DePaul University” while canvassing the student body. The Israeli consulate general in Chicago organized an anti-divestment panel discussion regarding the DePaul referendum and was present on campus during the last full day of voting. (DePaul Divests, “DePaul Divests declares victory in student campaign,” press release, April 28, 2014, <http://www.dpudivests.org/news/press-release-depaul-divest-declares-victory-in-student-campaign>; Israel in Chicago, “BDS Referendum Panel Discussion,” Facebook event page, <https://www.facebook.com/events/241041276096094/>). Leaked emails reveal that a number of off-campus Israel advocacy organizations were involved in efforts to defeat the ultimately successful divestment campaign at Northwestern University. These groups included the Jewish United Fund, StandWithUs, the Israel on Campus Coalition, and the Israeli consulate. (Alex Kane, “Leaked e-mails show that Israeli Consulate, StandWithUs, tried to thwart Northwestern divestment,” *Mondoweiss*, February 19, 2015, <http://mondoweiss.net/2015/02/standwithus-northwestern-divestment>). Israeli-American real estate magnate Adam Milstein solicited donations from off-campus pro-Israel groups on behalf of two anti-divestment student senate candidates at UCLA, according to leaked emails. In an email to a Milstein Family Foundation employee, the senate candidates wrote, “I cannot stress enough how discrete (sic) this initiative must be. If this letter or any evidence of outside organizations’ involvement in these student government elections were to be found by our opponents it would compromise our campaign, [the] Bruins United [party] and all student government pro-Israel activism across America.” (Amanda Schallart, “Leaked emails reveal hidden sources of Bruins United campaign funds,” *Daily Bruin*, December 11, 2014, <http://dailybruin.com/2014/12/11/leaked-emails-reveal-hidden-sources-of-bruins-united-campaign-funds/>). In addition, the UCLA Hillel hired the DC-linked public relations firm 30 Point Strategies to combat the campus divestment campaign. (“Leaked emails reveal partnership between Hillel, PR firm,” *Daily Bruin*, October 29, 2014, <http://dailybruin.com/2014/10/29/leaked-emails-reveal-partnership-between-hillel-pr-firm/>). The UCLA senate voted to pass divestment in spite of these costly efforts.
48. See note #22.
49. These campuses are: Oglethorpe University, Princeton University (graduate student government), Earlham College, Loyola University in Chicago, University of Toledo, Northwestern University, Stanford, UC Davis, and UCLA.
50. Campaigns against AHAVA and SodaStream—both of which operate in illegal settlements—have included street-theater actions from California (<https://www.youtube.com/watch?v=-LEMMygqMI-fg>) to the Netherlands (<https://www.youtube.com/watch?v=l1W3SCuxJH8>). SJP chapters at Princeton and DePaul challenged the sale of Sabra hummus on their campuses by sponsoring a university-wide referendum (Alaka Halder, “Students Campaign for Alternative Hummus,” *Daily Princetonian*, November 19, 2010, <http://dailyprincetonian.com/news/2010/11/students-campaign-for-alternative-hummus/>) and petitioning administrators (Tamar Lewin, “New Subject of Debate on Mideast: Hummus,” *New York Times*, December 3, 2010, <http://www.nytimes.com/2010/12/04/education/04hummus.html>). Sabra is partly owned by the Strauss Group, an Israeli food company that provides financial support to the Golani brigade of the Israeli military. The Golani brigade has allegedly committed human rights violations against Palestinians. BDS campaigners staged a street theater action in a Philadelphia grocery store, urging the store to de-shelve Sabra hummus (<https://www.youtube.com/watch?v=y6dO9eVOY2I>). US musician Lauryn Hill canceled her May 2015 concert in Israel after activists “urged her to boycott Israel over its occupation of Palestinian land” (Agence France-Presse, “Lauryn Hill Cancels Israel Show after Cultural Boycott Pressure,” *Guardian*, May 5, 2015, <http://www.theguardian.com/music/2015/may/05/lauryn-hill-cancels-israel-show-after-cultural-boycott-pressure>). Other artists who have responded to boycott campaigns by canceling shows in Israel include Elvis Costello, Carlos Santana,

- and Gil Scott-Heron (*Haaretz*, “Elvis Costello Joins Israel Boycott, Canceling June Shows,” May 18, 2010, <http://www.haaretz.com/life/culture/elvis-costello-joins-israel-boycott-canceling-june-shows-1.290936>). In 2013, three US academic associations announced that they would boycott Israeli universities and academic institutions—the 5,000-member American Studies Association, the Association for Asian American Studies, and the Native American and Indigenous Studies Association (Maya Shwayder, “US Scholars’ Group Votes in Favor of Academic Boycott of Israel,” *Jerusalem Post*, December 16, 2013, <http://www.jpost.com/International/US-scholars-group-votes-in-favor-of-academic-boycott-of-Israel-335178>; Herb Keinin, “Native American Studies Association Joins Academic Boycott of Israel,” *Jerusalem Post*, December 18, 2013, <http://www.jpost.com/Diplomacy-and-Politics/Native-American-Studies-association-joins-academic-boycott-of-Israel-335388>).
51. In August 2014, members of Jewish Voice for Peace interrupted Chicago Mayor Rahm Emanuel and former Israeli ambassador to the U.S. Michael Oren at a “Chicago Stands with Israel” event. The protesters shouted, “We are Jews, shame on you, end the occupation now.” (Adam Janofsky, “Protesters disrupt Chicago Pro-Israel Event,” *Tablet*, August 25, 2014, <http://www.tabletmag.com/scroll/183171/protesters-disrupt-chicago-pro-israel-event>; video at <https://www.youtube.com/watch?v=98LkxgwxjXE>). George Mason University’s Students Against Israeli Apartheid, along with assistant professor of cultural studies Craig Willse, wrote a letter of concern to the George Mason community when the university announced that Shari Arison—owner of the Arison Group—would speak and receive an honorary degree at commencement. The letter cited the Arison Group’s “central role” in facilitating the Israeli occupation (Suzanne Pollak, “Anti-Israel group protests speaker at George Mason,” *Washington Jewish Week*, December 11, 2013, <http://washingtonjewishweek.com/7984/anti-israel-group-protests-speaker-at-george-mason/>). When a group of students at Florida Atlantic University learned that Israeli colonel Bentzi Gruber—a participant in Israel’s 2008–2009 operation in Gaza—would be speaking on campus, they expressed their concern to university officials but received no response. The students “attended the event and peacefully walked out in protest,” briefly interrupting the speaker with a few facts about the Gaza military operation and then raising a banner that read “War Criminal” as they walked out (Nadine Aly, Noor Fawzy, and Renata Glebocki, “Letter to the Editor: FAU Students for Justice in Palestine Statement,” *University Press* (Florida Atlantic University), August 11, 2013, <http://www.upressonline.com/2013/08/letter-to-the-editor-fau-students-for-justice-in-palestine-statement/>). The UK group Brighton and Hove Palestine Solidarity Campaign, protested Israeli academic Mordechai Kedar’s December 2014 visit to Sussex at the invitation of Sussex Friends of Israel. In an interview with an Israeli radio station earlier that year, Kedar reportedly said, “The only thing that could deter a suicide bomber is knowing that, if caught, his sister or his mother would be raped” (Gareth Davies, “Protests After Sussex Friends of Israel Welcomes Controversial Speaker,” *Argus*, December 10, 2014, [http://www.theargus.co.uk/news/11655665.Protests\\_after\\_Sussex\\_Friends\\_of\\_Israel\\_welcomes\\_controversial\\_speaker/](http://www.theargus.co.uk/news/11655665.Protests_after_Sussex_Friends_of_Israel_welcomes_controversial_speaker/)).
  52. Palestine Legal interview with student (name withheld), May 12, 2015, (concern about family members’ travel as a result of false accusations against student); Palestine Legal email interview with student (name withheld), May 27, 2015, (concern about travel as a result of false accusations); Palestine Legal interview with student (name withheld), Palestine Legal interview with student (name withheld), May 28, 2015 (concern about job prospects upon graduation and her family having difficulty traveling as a result of false accusations); Palestine Legal interview with student (name withheld), June 9, 2015, (concern about job prospects as a result of false accusations); Palestine Legal interview with student (name withheld), August 12, 2015 (concern about job prospects and travel as a result of false accusations).
  53. US Commission on Civil Rights, “Federal Civil Rights Engagement with Arab and Muslim American Communities Post-9/11,” September 2014, [http://www.usccr.gov/pubs/ARAB\\_MUSLIM\\_9-30-14.pdf](http://www.usccr.gov/pubs/ARAB_MUSLIM_9-30-14.pdf); Donna Lieberman, “Infringement on Civil Liberties After 9/11,” *New York Law School Law Review* 56 (2011–12), <http://www.nylslawreview.com/wp-content/uploads/sites/16/2012/02/Lieberman-article.pdf>; CCR, case page for *Hassan v. City of New York*, updated January 16, 2015, <https://ccrjustice.org/home/what-we-do/our-cases/hassan-v-city-new-york>.
  54. For additional information about some of these organizations, their work to silence Palestine human rights advocacy, and their funding sources, see International Jewish Anti-Zionist Network, “The Business of Backlash,” March 2015, <http://www.ijan.org/wp-content/uploads/2015/04/IJAN-Business-of-Backlash-full-report-web.pdf>.
  55. Hillel, “Hillel Israel Guidelines: Hillel Guidelines for Campus Israel Activities,” n.d., <http://www.hillel.org/jewish/hillel-israel/hillel-israel-guidelines>.
  56. Brandeis Center, “Mission and Values,” March 18, 2015, <http://brandeiscenter.com/about/mission>.
  57. For a summary of AMCHA’s tactics and their effects, see Palestine Legal, “Rights Groups Write to UC & CSU Trustees about AMCHA Tactics to Silence Speech on Palestinian Rights,” February 21, 2014, <http://palestinelegalsupport.org/2014/02/21/rights-groups-write-to-uc-csu-trustees-about-amcha-tactics-to-silence-speech-on-palestinian-rights/>; Kenneth Monteiro, “Commentary on Free Speech and AMCHA Initiative’s Attacks on Students and Faculty Across California Campuses,” San Francisco State University, 2014, <http://ethnicstudies.sfsu.edu/ethnicst/content/application-statement-current-or-going-circumstances>; Ali Abunimah, *The Battle for Justice in Palestine* (Chicago: Haymarket Books, 2014), 169.
  58. Stand With Us, “College,” <http://www.standwithus.com/campus/college/>
  59. Nathan Guttman, “StandWithUs Draws Line on Israel,” *Forward*, November 27, 2011, <http://forward.com/news/146821/standwithus-draws-line-on-israel/>.
  60. Alex Kane, “Israel Lobby Group Compiles Secret Dossiers on Pro-Palestine Speakers,” *Mondoweiss*, February 25, 2014, <http://mondoweiss.net/2014/02/compiles-palestinian-speakers>.
  61. Shurat HaDin—Israel Law Center, “Overview,” n.d., <http://israelawcenter.org/avout/overview/>. Shurat HaDin has extensive relationships with the Israeli government and security establishment and has reportedly taken direction from the Israeli government as to which cases to file, according to documents revealed by Wikileaks. Shurat HaDin has also targeted BDS efforts in other countries (Tom Griffin and David Miller, “BDS Campaigner Targeted by Law Firm with Links to Israeli Intelligence,” *SpinWatch*, October 5, 2013, <http://www.spinwatch.org/index.php/blog/item/5550-bds-campaigner-targeted-by-law-firm-with-links-to-israeli-intelligence>).
  62. Ibid.
  63. In June 2015, Shurat HaDin threatened to sue Coca-Cola if the beverage maker did not break its contract with a Palestinian franchise owner who expressed support for BDS in two op-eds

- (Marissa Newman, "Israeli Group Threatens to Sue Coca-Cola over Palestinian Partner," *Times of Israel*, June 15, 2015, <http://www.timesofisrael.com/israeli-ngo-threatens-to-sue-coca-cola-over-palestinian-partners-bds-support/>).
64. The ADL, for example, criticized the David Horowitz Freedom Center's placement of San Diego State University on a list of top ten campuses with the worst antisemitic activity (Gary Warth, "Report about Anti-Semitic Activities at SDSU Disputed," *San Diego Union-Tribune*, February 24, 2015, <http://www.sandiegouniontribune.com/news/2015/feb/24/sdsu-antisemitism-david-horowitz/>).
  65. For example, when Secretary of State John Kerry said that Israel "risked becoming an apartheid state," former Illinois representative Bob Dold responded, "We work so hard to combat international attempts to delegitimize the State of Israel, so it is particularly disturbing to hear our very own Secretary of State, who is supposed to be our ambassador to the world and represent our values, embrace the delegitimization rhetoric of those who seek harm to Israel. Secretary Kerry's remarks about Israel simply should not be tolerated" (Josh Rogin, "Exclusive: Kerry Warns Israel Could Become 'An Apartheid State,'" *Daily Beast*, April 27, 2014, <http://www.thedailybeast.com/articles/2014/04/27/exclusive-kerry-warns-israel-could-become-an-apartheid-state.html>; Lynn Sweet, "Dold on Kerry Israel 'Apartheid' Comment: Should Not Be Tolerated," *Chicago Sun-Times*, May 1, 2014, <http://politics.suntimes.com/article/washington/dold-kerry-israel-apartheid-comment-should-not-be-tolerated/thu-05012014-402pm>).
  66. The Reut Institute is an Israel-based think tank that works closely with the Israeli government to "[provide] a variety of decision-support services to Israel's decisionmakers and government agencies." See Reut Institute, "Services and Products," <http://reut-institute.org/Content.aspx?Page=Services>. For a summary of the report, see Reut Institute, "The Delegitimization Challenge: Creating a Political Firewall," February 14, 2010, <http://reut-institute.org/Publication.aspx?PublicationId=3769>. The full document is Reut Institute, *Building a Political Firewall Against Israel's Delegitimization*, paper submitted to the Tenth Herzliya Conference, March 2010, <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>.
  67. *Ibid.*
  68. Ali Abunimah, "Israel's New Strategy: 'Sabotage' and 'Attack' the Global Justice Movement," *Electronic Intifada*, February 16, 2010, <http://electronicintifada.net/content/israels-new-strategy-sabotage-and-attack-global-justice-movement/8683>. The article includes a photograph of the Reut Institute presentation.
  69. Jewish Federation of Central Massachusetts, "The Launch of the Israel Action Network," *Jewish Central Voice*, February 2011, <http://jewishcentralvoice.com/2011/02/the-launch-of-the-israel-action-network/>.
  70. The Jewish Agency has focused on bringing Jews from across the world to Israel since its founding before the establishment of the Israeli state. See Jewish Agency for Israel, "About Us," November 16, 2013, <http://www.jewishagency.org/content/4916>; Josh Nathan-Kazis, "Jewish Agency Plans \$300M-a-Year Push for Israel," *Haaretz*, August 15, 2013, <http://forward.com/articles/182354/jewish-agency-plans-m-a-year-push-for-israel/?p=all#ixzz38yUEkz7v>.
  71. Nathan Guttman, "Secret Sheldon Adelson Summit Raises up to \$50M for Strident Anti-BDS Push," *Forward*, June 9, 2015, <http://forward.com/news/israel/309676/secret-sheldon-adelson-summit-raises-up-to-50m-for-strident-anti-bds-push/#ixzz3g0taTufO>.
  72. Herb Keinon, "Netanyahu: Israel Need Not Engage in Self-Flagellation over Delegitimization Efforts," *Jerusalem Post*, May 31, 2015, <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Netanyahu-Israel-need-not-engage-in-self-flagellation-over-delegitimization-efforts-404600>; Itamar Eichner, "Israel to Allocate NIS 100 Million for BDS Battle," *Ynet*, June 7, 2015, <http://www.ynetnews.com/articles/0,7340,L-4665676,00.html>.
  73. Herb Keinon, "Netanyahu Convenes Strategy Meeting to Fight Boycotts," *Jerusalem Post*, February 10, 2014, <http://www.jpost.com/National-News/Netanyahu-convenes-strategy-meeting-to-fight-boycotts-340904>.
  74. *Ibid.*
  75. Rahim Kurwa, "Submission: Anti-Divestment Groups Resort to Personal Attacks in Lieu of Logical Argument," *Daily Bruin*, February 11, 2015, <http://dailybruin.com/2015/02/11/submission-anti-divestment-groups-resort-to-personal-attacks-in-lieu-of-logical-argument/>.
  76. White, "Israeli Think Tank Holds Anti-BDS 'Hackathon.'" StandWithUs, J Street, and the Israel Campus Coalition attended the gathering.
  77. Reut Institute, "Contending with BDS and the Assault on Israel's Legitimacy," June 2015, <http://reut-institute.org/en/Publication.aspx?PublicationId=4224>.
  78. *Canary Mission*, "About," n.d., <http://www.canarymission.org/about/>. See also Josh Nathan-Kazis, "Shadowy Web Site Creates Blacklist of Pro-Palestinian Activists," *Forward*, May 27, 2015, <http://forward.com/news/308902/shadowy-web-site-creates-black-list-of-pro-palestinian-activists/>; Amanda Holpuch, "Website Targets Pro-Palestinian Students in Effort to Harm Job Prospects," *Guardian*, May 27, 2015, <http://www.theguardian.com/us-news/2015/may/27/website-targets-pro-palestinian-students-harm-job-prospects>; Lyanne Melendez, "Website Publicizes Actions of Politically Active Students," ABC7 News, May 29, 2015, <http://abc7news.com/politics/website-publicizes-actions-of-politically-active-college-students-/747121/>.
  79. Campus Watch, "About Campus Watch," 2015, <http://www.campus-watch.org/about.php>.
  80. Kane, "Israel Lobby Group."
  81. Palestine Legal interview with (name withheld), April 8, 2015; CCR interview with Shezza Abboushi Dallal, July 31, 2015.
  82. Palestine Legal interview with student (name withheld), January 2014; Palestine Legal interview with student (name withheld), June 2015; Asa Winstanley and Nora Barrows-Friedman, "Documents Reveal Zionist Group Spied on US Student Delegation to Palestine," *Electronic Intifada*, January 29, 2014, <http://electronicintifada.net/content/documents-reveal-zionist-group-spied-us-student-delegation-palestine/13130>.
  83. Kristen Mott, "University of Toledo Students Closer to Divestment Vote," *Cleveland Jewish News*, April 8, 2015, [http://www.clevelandjewishnews.com/news/local\\_news/university-of-toledo-students-closer-to-divestment-vote/article\\_2280e6d4-de0f-11e49-ed0-d7177f272115.html](http://www.clevelandjewishnews.com/news/local_news/university-of-toledo-students-closer-to-divestment-vote/article_2280e6d4-de0f-11e49-ed0-d7177f272115.html); Lauren Lindstrom, "UT Student Senate Tosses Divestment Proposal," *Toledo Blade*, February 18, 2015, <http://www.toledoblade.com/Education/2015/02/18/Student-senate-tables-idea-of-UT-divestment.html>; Vanessa McCray, "UT Student Senate Considers Call for Israeli Divestment," *Toledo Blade*, February 17, 2015, <http://www.toledoblade.com/Education/2015/02/17/UT-student-senate-to-issue-call-for-Israeli-divestment.html>.

84. Anti-Defamation League, “BDS Resolution Defeated at Northeastern University,” March 20, 2015, <http://newengland.adl.org/2015/03/20/bds-resolution-defeated-at-northeastern-university/>
85. Tina Matar, “Palestine & Israel: Settler-Colonialism and Apartheid,” course syllabus, on file with Palestine Legal and available at [http://media.wix.com/ugd/2a8cf7\\_bea6acfa35445e-8823cf31a28a1af4a.docx?dn=IsraelandPalestine.docx](http://media.wix.com/ugd/2a8cf7_bea6acfa35445e-8823cf31a28a1af4a.docx?dn=IsraelandPalestine.docx).
86. AMCHA Initiative et al., “20 Groups Write to Chancellor Wilcox Regarding Serious Concerns about Political Indoctrination in UCR Course,” April 16, 2015, <http://www.amchainitiative.org/serious-concerns-about-political-indoctrination-in-ucr-course>.
87. For example, the student received an email that read, “Since the palestinians weren’t a people, but an islamo-nazi invention for the annihilation of Jews, then anything can be taught in colleges. Like hamas baby shields, college baby brains are a great weapon.” Email from (name withheld) to Tina Matar, April 25, 2015, on file with Palestine Legal. A misogynist blogger who criticized the course posted a picture of a woman in a sexually provocative position, suggesting it was the student instructor, and wrote, “The chick looks like an attention-whore. . . . Sorry about my little ‘micro-aggression’ in calling her a whore. Actually, that might not be a micro-aggression at all. That may be a full-on rape. You’d have to clue me in. If it is a rape, does that mean this Mus- lim is subject to Honor Killing? God, I hope not. She is pretty fuckin’ hot.” User “Pastorius,” “Anti-Semitic Class Taught at UC Riverside Is Not Being Pulled,” *Infidel Bloggers Alliance*, April 25, 2015, <http://ibloga.blogspot.com/2015/04/anti-semitic-class-taught-at-uc.html>.
88. UCLA Academic Senate Committee on Academic Freedom, letter to Professor David Delgado Shorter, July 9, 2012, <http://amchainitiative.org/letter-from-ucla-academic-senate-committee-on-academic-freedom-to-professor-david-delgado-shorter/>.
89. Larry Gordon, “UCLA Professor Told Not to Link Class Material to Anti-Israel Campaign,” *Los Angeles Times*, April 16, 2012, <http://latimesblogs.latimes.com/lanow/2012/04/ucla-professor-told-not-to-link-class-material-to-an-anti-israel-campaign.html>; Peter Schmidt, “Movement to Protest Israel’s Policies Triggers Bitter Fights Over US Scholar’s Speech,” *Chronicle of Higher Education*, May 4, 2012, [http://scholarsatrisk.nyu.edu/Events-News/Article-Detail.php?art\\_uid=3553](http://scholarsatrisk.nyu.edu/Events-News/Article-Detail.php?art_uid=3553); Kaustuv Basu, “A Link Too Far,” *Inside Higher Ed*, April 16, 2012, <https://www.insidehighered.com/news/2012/04/16/ucla-professor-counseled-after-linking-course-page-political-petition>; Nora Barrows Friedman, “LA Professor Wakes Up to Hate Mail for Linking to Anti-Zionist Material,” *Electronic Intifada*, August 1, 2012, <http://electronicintifada.net/content/la-professor-wakes-hate-mail-linking-anti-zionist-material/11547>.
90. Interview with Palestine Legal, October 25, 2013.
91. The definition was formerly known as the European Union Monitoring Centre (EUMC)’s working definition of antisemitism. EUMC originally formulated the definition to facilitate data collection efforts (Ken Stern, “The Working Definition: A Reappraisal,” Address at Stephen Roth Institute for Study of Contemporary Anti-Semitism and Racism, Tel Aviv University, “The Working Definition of Anti-Semitism—Six Years After” conference, August 31, 2010, [http://kantortcenter.tau.ac.il/sites/default/files/proceeding-all\\_3.pdf](http://kantortcenter.tau.ac.il/sites/default/files/proceeding-all_3.pdf)). In 2013, the successor European civil rights agency removed the definition from its website “together with other non-official documents,” to the consternation of Israeli officials and US-based Israel advocacy groups, including the AJC and SWC, which called on the agency to restore the working definition to its website. Jewish Telegraphic Agency, “EU Drops Its ‘Working Definition’ of Anti-Semitism,” *Times of Israel*, December 5, 2013, <http://www.timesofisrael.com/eu-drops-its-working-definition-of-anti-semitism/#ixzz37q-JRBuJL>; Simon Wiesenthal Center, “SWC to EU Baroness Ashton: Return Anti-Semitism Definition Document to EU Fundamental Rights Agency Website,” press release, November 6, 2013, <http://www.wiesenthal.com/site/apps/nlnet/content.aspx?c=lsKWLbPJLnF&b=8776547&ct=13381863>.
92. US State Department, “Defining Anti-Semitism,” June 8, 2010, <http://www.state.gov/j/drl/rls/fs/2010/122352.htm>; Palestine Legal, “FAQ: What to Know about Efforts to Redefine Anti-Semitism to Silence Criticism of Israel,” n.d., <http://static1.squarespace.com/static/548748b1e4b083fc03eb-f70e/t/556490f5e4b0658666cfe867/1432654069359/6.+F+AQ-onDefinition-of-Anti-Semitism-3-9-15.pdf>. The State Department definition, designed to identify instances of global antisemitism, would violate the First Amendment if applied to restrict speech in the United States and therefore has limited legal effect. The State Department’s use of the definition in its reporting on global antisemitism seems to acknowledge this, noting that “while the report describes many measures that foreign governments have adopted to combat antisemitism, it does not endorse any such measures that prohibit conduct that would be protected under the U.S. Constitution.” See State Department, *2008 Contemporary Global Anti-Semitism Report* (Washington, DC: US State Department, 2008), 2, <http://www.state.gov/documents/organization/102301.pdf>.
93. Larry Gordon, “Definition of Anti-Semitism Provokes Campus Debates,” *Los Angeles Times*, May 18, 2015, <http://www.latimes.com/local/education/la-me-ln-campus-israel-20150518-story.html>.
94. *Ibid.*
95. AMCHA Initiative et al., “26 Groups Write to Stanford President Hennessy Regarding University Response to Swastikas & Ask Stanford to Adopt U.S. State Dep’t Definition of Antisemitism,” April 28, 2015, <http://www.amchainitiative.org/letter-to-stanford-president-re-swastikas>.
96. AMCHA Initiative et al., letter to Morton Schapiro, April 21, 2015, <http://www.amchainitiative.org/wp-content/uploads/2015/04/President-Morton-Schapiro-Letter-re-swastikas-4.21.15.pdf>.
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133. Les Levidow and Diana Neslen, “What Methodist Relations with the Jewish Community?” statement submitted to the UK Methodist Council Jews for Boycotting Israeli Goods (J-BIG), November 4, 2013, <http://jews4big.wordpress.com/2013/11/06/methodist-consultation-on-bds-j-big-response>.
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136. Ibid.
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138. Palestine Legal interview with (name withheld), University of Florida, Gainesville, October 6, 2014.
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142. Palestine Legal email interview with (name withheld), July 23, 2015.
143. Palestine Legal interview with Brooklyn College professor Corey Robin, August 20, 2015.
144. CCR interview with Barnard College student Shezza Dallal, July 31, 2015.
145. Email from (name withheld) to Palestine Legal, March 6, 2015; Palestine Legal interview with (name withheld), March 6, 2015; “Thinking about going on Birthright Israel?” flyer, on file with Palestine Legal.
146. Email from (name withheld) to Palestine Legal, March 6, 2015; Palestine Legal interview with (name withheld), March 6, 2015.
147. Palestine Legal email interview with (name withheld), August 4, 2015.
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- cess-3.pdf. “The bad news is that campus hearings often lack the kinds of basic fact-finding mechanisms and procedural safeguards that a decent society should provide.” In the case of public schools, basic due process is required (*Goss v. Lopez*, 419 U.S. 565, 574, 581 [1975]: “The State is constrained to recognize a student’s legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.”) However, the specific requirements differ depending on the state and the circumstances of the case. Both courts and legislatures are reluctant to interfere in the educational domain and have not provided clear standards. Ill-defined standards leave the interpretation of due process requirements at the discretion of universities.
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- filed a Second Amended Complaint, and while the university's motion to dismiss was pending, the parties entered into a settlement in which the university did not admit to wrongdoing but agreed to study its campus speech policies. Within days, the plaintiffs' lawyers—Neil Sher and Joel Siegel, who are both on the legal advisory board of the Brandeis Center—filed a nearly identical complaint with the DOE.
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# APPENDIX: CAMPUS INCIDENTS

This Appendix provides detailed descriptions of incidents of suppression of Palestine advocacy on US campuses, including attacks on student activism and on individual academics. This is not an exhaustive catalog of incidents, but a selection that highlights the trends elucidated in the Report. Many of the incidents listed are matters of public record; for those that are not, Palestine Legal obtained permission to include the information presented here.

The majority of incidents occurred in the period since 2012, when Palestine Legal was established, through June 2015, when this Report went into production. A handful of incidents included in the Appendix are older, either because they illustrate the history of suppression at a given school or because they represent an ongoing incident.

The Appendix is organized alphabetically by institution.

## **American Studies Association**

1. Legislation and legal threats follow passage of boycott resolution

## **California State University**

2. AMCHA attempts to cancel professor's speaking tour

## **Claremont Colleges**

3. Professor uses racial slur against Palestinian student
4. College attempts to censor mock apartheid wall

## **Columbia University/Barnard College**

5. Title VI complaint targets professor
6. College removes SJP "Stand for Justice" banner
7. SJP receives bomb threat
8. ZOA attempts to censor workshop

## **CUNY Brooklyn College**

9. College rescinds doctoral candidate's appointment
10. Politicians pressure administrators to cancel BDS event
11. Politicians seek cancellation of Salaita event

## **CUNY John Jay College of Criminal Justice**

12. College restricts Gaza "Die-In"

## **CUNY College of Staten Island**

13. College imposes bureaucratic barriers on Ali Abunimah event

## **DePaul University**

14. Israeli consul interferes with divestment referendum
15. University imposes security fees on SJP

## **Florida Atlantic University**

16. Students falsely accused of antisemitism for mock eviction flyering
17. Students disciplined for protest

## **Loyola University**

18. Off campus groups interfere with student divestment vote
19. University disciplines SJP for Birthright Israel action

## **Montclair State University**

20. Student government fines SJP for "political activity"

## **New York University**

21. Mock eviction action brings false antisemitism accusations

## **Northeastern University**

22. University sanctions SJP for event walkout
23. University suspends SJP after mock eviction flyering
24. Student Council blocks voting on divestment resolution

## **Ohio University**

25. Student body president receives death threats for pro-BDS video

## **Purdue University**

26. University subjects SJP to bureaucratic scrutiny for mock-checkpoint actions

## **Rutgers University**

27. Flotilla fundraiser draws allegations for supporting terrorism
28. Title VI Complaint targets "Never Again" event
29. SJP falsely accused of antisemitism for mock eviction flyering

## **San Diego State University**

30. Divestment referendum ballot includes only anti-BDS statement

## **San Francisco State University**

31. AMCHA levels false accusations against student group
32. AMCHA accuses scholar of meeting with terrorists

**San Jose State University:**

33. AMCHA calls for probe of educational workshop

**Stanford University**

34. Students of Color Coalition accused of antisemitism

**Swarthmore College**

35. Campus Hillel chapter changes its name after legal threat from parent organization

**Temple University**

36. Israel activists call for SJP removal after altercation

**University of Arizona**

35. Mock border wall vandalized

**University of California (statewide)**

36. "Campus climate" report claims Palestine activism hostile to Jewish students

37. State resolution denounces Palestine activism

38. Graduate student divestment campaign draws legal threats

**University of California, Berkeley**

39. Israeli Consul and national groups interfere in campus divestment debate

40. Federal lawsuit and Title VI complaint target campus activism

**University of California, Davis**

41. UC President denounces Palestine activism as intolerant

42. Divestment vote draws accusations of anti-Semitism and support for terrorism

**University of California, Hastings**

43. University withdraws from law school conference

**University of California, Irvine**

44. Title VI complaint targets campus activism

45. Muslim student group accused of material support for terrorism

46. Eleven students criminally prosecuted for event walkout

**University of California, Los Angeles**

47. AMCHA complaint triggers improper investigation of professor

48. City Council introduces resolution condemning student advocacy campaign

49. Divestment resolution draws accusations of antisemitism and support for terrorism

50. Groups seek to defund Middle East Studies program

**University of California, Riverside**

51. Groups seek to cancel student-led course on "Palestinian Voices"

**University of California, Santa Cruz**

52. Title VI complaint targets student activism.

53. Video accuses students of supporting terrorism

54. Mock checkpoint draws accusations of terrorism and antisemitism

**University of Illinois at Urbana-Champaign**

55. Professor terminated for Gaza tweets

**University of Michigan**

56. False accusations of antisemitism follow divestment campaign

**University of New Mexico**

58. SJP protestors assaulted at anti-Islam event

**University of Pennsylvania**

59. Groups condemn BDS conference

**University of South Florida**

60. Student government nullifies BDS referendum

**University of Toledo**

61. Student government restricts debate on divestment

**Yale University**

62. Chaplain forced to resign over criticism of Israel

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## American Studies Association

### Legislation and legal threats follow passage of boycott legislation

Incident Date: 2013–14

Location: Nationwide

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The American Studies Association's (ASA's) passage of a historic resolution to endorse the call of Palestinian civil society for a boycott of Israeli academic institutions on December 16, 2013, resulted in a significant backlash against the association, including legal threats and legislative maneuvers aimed at sanctioning it.<sup>1</sup> The membership passed the resolution by a two-to-one margin, making the ASA the second US academic association to endorse BDS (after the Association for Asian American Studies).<sup>2</sup> To organizers within the ASA, the vote "represents a principle of solidarity with scholars and students deprived of their academic freedom and an aspiration to enlarge that freedom for all, including Palestinians."<sup>3</sup>

In the run-up to and aftermath of the vote, Israel advocacy organizations launched vigorous campaigns to punish the ASA.<sup>4</sup> The ASA received thousands of hate mail messages, many likely due to people responding to action alerts from Israel advocacy organizations.<sup>5</sup> Some messages included violent imagery, racist, homophobic rhetoric, and legal threats.<sup>6</sup> Donors and alumni targeted American studies departments and faculty associated with the ASA and demanded administrators defund the programs or prohibit faculty from participating in the ASA.<sup>7</sup> In response, a few universities withdrew their institutional membership in the ASA and, according to the opposition blog *Legal Insurrection*, more than 250 college and university presidents issued statements condemning the resolution.<sup>8</sup>

In January 2014, William Jacobson, Israel advocate, law professor, and *Legal Insurrection* blogger, submitted a complaint to the IRS challenging the ASA's tax-exempt status.<sup>9</sup> The complaint requested that the IRS strip ASA of its tax-exempt status, arguing that the academic boycott clashes with its educational purpose and goes against public policy. To date, the IRS has not notified ASA that it has acted on the complaint.

At the same time, Shurat HaDin threatened to sue the ASA, alleging discrimination and antisemitism, unless the organization "immediately take[s] all necessary steps to cancel the boycott of Israeli institutions and academics."<sup>10</sup> CCR and Palestine Legal responded on behalf of the ASA, addressing the organization's unfounded allegations, drawing parallels to historic anti-discrimination struggles like the South African anti-apartheid movement and civil rights boycotts in the US South, and arguing that the First Amendment similarly protects this resolution.<sup>11</sup> To date, Shurat HaDin has not filed a lawsuit.

In October 2014, the American Center for Law and Justice, a right-wing organization known for its anti-LGBT-rights agenda,<sup>12</sup> threatened to sue the Westin Hotel in Los Angeles under California discrimination laws for hosting ASA's 2014 conference.<sup>13</sup> In a letter to the hotel, the advocacy group asserted that the conference violated a California law that prohibits businesses from discriminating on the basis of national origin, race, and religion, since the ASA's policy, it alleged, "would have a disparate impact on Jewish Israelis."<sup>14</sup> The ASA rejected these allegations, noting that ASA events "welcome Israeli academics to attend, and in fact several are already scheduled to participate in the conference program."<sup>15</sup> The organization did not follow through with its threat to file suit.

In addition to legal challenges, Israel advocacy groups pushed at least seven states (New York, Illinois, Maryland, Florida, Kansas, South

Carolina, and Pennsylvania) and the US House of Representatives to sanction universities with academic organizations that voted to support academic boycotts of Israel or to condemn academic boycotts more generally.

### New York

On January 28, 2014, the New York State Senate passed S6432, which denies all state aid to colleges and universities that subsidize membership or participation in organizations that support boycotts of Israel. A New York state assembly member then in office, Sheldon Silver, introduced a similar bill in the State Assembly in early January, though it was later withdrawn and amended.<sup>16</sup> The amended bill, A8392A, reduced state aid to the university by the amount spent to fund travel, lodging, or membership funds provided to organizations that endorse a boycott of Israel.

The *New York Times* called these bills "an ill-considered response to the American Studies Association resolution [that] would trample on academic freedoms and chill free speech and dissent."<sup>17</sup> The New York Civil Liberties Union (NYCLU),<sup>18</sup> CCR,<sup>19</sup> National Lawyers Guild (NLG),<sup>20</sup> Columbia University faculty,<sup>21</sup> the American Association of University Professors (AAUP),<sup>22</sup> the Professional Staff Congress of City University of New York,<sup>23</sup> and New York State United Teachers,<sup>24</sup> among other organizations, also opposed the bills.

Palestine Legal and CCR, together with an ad hoc coalition of other local groups, mobilized opposition to the Assembly bill in February 2014, which succeeded in delaying a vote on it.<sup>25</sup> On Friday, June 20, 2014, the New York State Legislature ended its session without passing the bill.

### Illinois

In February 2014, Illinois state senator Ira Silverstein introduced Senate Bill 3017, which, in language substantially similar to the New York State Senate bill, proposed to deny state aid to universities that subsidize faculty or staff membership in academic organizations that endorse boycotting Israel. A coalition of organizations, including Palestine Legal, CCR and other local groups, mobilized to oppose the bill.<sup>26</sup> CCR sent a letter on March 4 urging the Higher Education Committee to reject the legislation, which it claimed would unconstitutionally infringe on academics' free speech rights.<sup>27</sup> The ACLU of Illinois similarly opposed the bill as an unconstitutional infringement of First Amendment rights.<sup>28</sup> Silverstein moved the bill to the Judiciary Committee, but did not call the bill up for debate or a vote, and the legislative session ended without the bill moving forward.<sup>29</sup>

Senator Silverstein then introduced Senate Resolution 59, a nonbinding resolution condemning all academic boycotts and labeling as antisemites those who support an academic boycott of Israel. An array of groups continued to oppose the resolution vigorously,<sup>30</sup> including CCR, which wrote Illinois legislators warning that the resolution would intrude on academic freedom, and the ACLU of Illinois, which issued a statement opposing the resolution.<sup>31</sup> Despite efforts to mobilize support for the resolution by the Jewish United Fund and other organizations,<sup>32</sup> the Senate Judiciary Committee, after a public hearing, voted to not move the resolution forward to the full Senate.<sup>33</sup>

### Maryland

Maryland state senator Joan Conway Carter and delegate Ben Kramer also introduced bills in the Maryland Senate and House to

reduce state aid to universities that fund membership and activities in organizations supporting the boycott of Israel.<sup>34</sup> After Senate Bill 647 and House Bill 998 stalled, Delegate Kramer introduced similar language into the Maryland state budget bill, which passed in Maryland's General Assembly but only after its conference committee significantly revised Kramer's language. The final language condemns the ASA boycott and academic boycotts more generally, but has no legal force.<sup>35</sup>

A coalition of civil rights groups, including Palestine Legal and CCR, warned lawmakers that these bills violate the First Amendment and threaten academic freedom "by penalizing universities and faculty for taking public positions based on their political and moral principles."<sup>36</sup> Archbishop Desmond Tutu, who won the Nobel Peace Prize for his fight against South African apartheid, also expressed "grave concern" about these legislative efforts.<sup>37</sup> Even Israel advocacy organizations, such as the Anti-Defamation League (ADL), the American Jewish Committee, and the Jewish Community Relations Council of Greater Washington opposed the bills, recognizing that they would "stifle academic freedom."<sup>38</sup>

### ***Resolutions in Other States***

A nonbinding resolution condemning the ASA boycott passed in the South Carolina House on February 18, 2014. In Pennsylvania, House Resolution 627, condemning the ASA boycott, passed on March 12, 2014. An identical resolution introduced in the Pennsylvania Senate, SR 279, did not advance.<sup>39</sup> On April 11, 2014, the Florida State Senate adopted a resolution (SR 894) with similar language condemning the ASA boycott, which CCR and Jewish Voice for Peace (JVP) argued "impermissibly intrudes into the academic freedom of faculty members who wish to speak on matters of public concern on the basis of differing viewpoints of certain senators, in violation of the First Amendment."<sup>40</sup>

### ***US Congress***

In February 2014, United States congressional representatives Peter Roskam (R-IL) and Dan Lipinski (D-IL) introduced a bipartisan congressional bill, HR 4009, in direct response to the ASA vote. Dubbed the Protect Academic Freedom Act, the bill would deny federal funds to academic institutions or groups within those institutions that "participate" in the academic boycott of Israel. The bill has not advanced out of committee or gained additional sponsors. CCR, NLG, and CAIR urged the House of Representatives Education and the Workforce Committee to oppose this legislation, which the groups asserted aims to "punish . . . political speech on matters of public concern at institutions of higher education . . . [and] threatens core First Amendment principles."<sup>41</sup>

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## **California State University**

### **Groups seek to cancel professor's speaking tour**

Incident Date: February 2012

Location: California

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In February 2012, the AMCHA Initiative demanded that three California State University campuses withdraw official sponsorship and public funding from an event that featured Ilan Pappé, a professor of history and director of the European Centre for Palestine Studies at Exeter University who is critical of Israeli policy. Faculty, administrators, and academic departments at three schools in the

California State University (CSU) system—CSU Fullerton, CSU Cal Poly, and CSU Northridge—invited Pappé to speak on their campuses. In a letter to the three universities, AMCHA alleged that the events violated "the will and intention of the CSU Trustees," arguing that the professors who organized the speaking tour—whom they accused of promoting anti-Israel bias—were using university resources for "propagandizing."<sup>42</sup>

AMCHA's letter describes Pappé, whose scholarship challenges Israel's founding narratives, as "an Israeli Jew who harbors deep animus towards the Jewish state" and labels the scholar's criticism of Israel's human rights abuses antisemitic.<sup>43</sup> The letter argues that Pappé's events would "undoubtedly foment hatred" and contribute to a hostile environment for Jewish students, in violation of Title VI of the Civil Rights Act, without contributing any "educational value[]."

The three CSU presidents affirmed that the faculty organizers had the right to invite Pappé, noting that universities should not preclude speakers based on their ideas, and emphasizing the need to defend "the expression of views with which we disagree."<sup>44</sup> Pappé's events at the three CSU campuses proceeded as planned.

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## **Claremont Colleges**

### **Professor uses racial slur against Palestinian student**

Incident Date: 2013

Location: Claremont, CA

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In March 2013, during students' theatrical reenactment of an Israeli military checkpoint at Claremont-McKenna College in southern California, an Israeli professor cursed at a student organizer and requested that campus officials remove the demonstrators.

The Claremont Colleges Students for Justice in Palestine (SJP) chapter staged a mock checkpoint at the entrance of the dining hall of Claremont-McKenna College (CMC) during which student performers asked passersby for their identification to mimic the way the Israeli military restricts Palestinians' freedom of movement in the occupied West Bank.<sup>45</sup> During the action, an Israeli professor approached the mock checkpoint and requested that campus officials intervene to move student protestors away from the dining hall entrance. A Palestinian student organizer asked the professor to identify himself to ascertain whether he had the authority to interfere with the event. According to a campus security officer's report, the professor responded by repeatedly calling the student a "f\*\*\*\*\* cockroach." The student understood "cockroach" to be a reference to his ethnic background as a Palestinian.<sup>46</sup>

After news of the incident spread, the student found his car tire punctured and a note scrawled on his desk in the library that said "this carrel has been reserved for me to f\*\*\*\*\* [student] in the skull."<sup>47</sup> A pro-Israel media outlet portrayed the accusations against the professor as antisemitic "Jew hunting."<sup>48</sup>

The student filed a grievance against the professor, but the colleges initiated an investigation against SJP for potential violations of the student code of conduct. Pitzer College—one of the other campuses in the Claremont consortium and the home college of most of the SJP activists—completed its investigation promptly and informed the campus community that the students had not violated any campus rules.<sup>49</sup>

Officials at CMC issued a report that contradicted the Pitzer report and found that SJP had violated campus demonstration policies by restricting access to the dining hall.<sup>50</sup> The CMC dean of students

issued the findings; the CMC president accepted them knowing that the student victim and multiple witnesses disputed key facts and the findings in the report.<sup>51</sup>

The CMC report also determined that the professor's comments were out of compliance with CMC's Statement on Professional Ethics, but did not violate the school's harassment policy.<sup>52</sup> In a letter to the CMC president, Palestine Legal advised the college that by releasing controversial findings on the same set of facts it had prejudged the student's grievance before it began, effectively denying the student access to the formal grievance procedure provided in the CMC Faculty Handbook.<sup>53</sup> Professor Dan Segal, the SJP faculty advisor, also criticized CMC's "materially misleading" report, accusing it of "blam[ing] the victims in this incident: the SJP students."<sup>54</sup>

The student notified the college of his intent to pursue a formal grievance against the professor; however, he asked to postpone the process so that he could complete the semester in good standing, without the burden of an arduous grievance procedure during final exams. CMC denied the postponement two and a half hours after the student requested it, finding a lack of cause.<sup>55</sup> CMC then dismissed the grievance, citing the student's failure to sign a confidentiality form in the requested time.<sup>56</sup>

Palestine Legal and CCR expressed their concerns to college administrators, emphasizing their obligation to protect students' speech rights and to protect all students from racist speech, including Arab, Muslim, and Palestinian students.<sup>57</sup>

The students also requested that CMC adopt remedial measures to address racial bias and the stifling of free expression.<sup>58</sup> In particular, students requested that the professor involved in the verbal altercation cease to have a role in CMC admissions, and that the CMC administration make a public statement recognizing its responsibility to create an environment that welcomes political dissent and free speech.<sup>59</sup> CMC did not respond to these requests.

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## **Claremont Colleges, Pitzer College**

### **College attempts to censor mock apartheid wall**

Incident Date: March - April 2015

Location: Claremont, CA

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In March 2015, Pitzer College attempted to prevent Students for Justice in Palestine (SJP) from displaying a replica of Israel's "separation barrier" on campus—an installation that included facts, pictures, and quotes about the Israeli occupation and its effect on Palestinians.

Students told Palestine Legal that a member of the Claremont Progressive Israel Alliance complained in February 2015 about SJP's plans to erect a mock wall to the Campus Aesthetics Committee, a university body charged with implementing campus policy for outdoor art and mural projects. The complaint claimed that such a display was antisemitic and would make Jewish students on campus uncomfortable.<sup>60</sup>

In the same month, SJP representatives met with the dean of student affairs to discuss their plans; the dean raised concerns about potential vandalism, warning that someone could "burn it down." He also gave them a copy of the campus discrimination policy, noting that he anticipated receiving discrimination complaints that would trigger investigations.<sup>61</sup> The dean also directed the students to seek approval for their plans from the Campus Aesthetics Committee.<sup>62</sup>

Before SJP submitted its proposal, a student member of the Aesthetics

Committee warned SJP that the committee would likely reject the proposal due to its political message. The member further conceded that he intended to vote against it out of fear of upsetting some students on campus. The Aesthetics Committee ultimately denied SJP's proposal in a 4–2 vote, failing to furnish any official written explanation for its decision.<sup>63</sup>

When SJP indicated that it intended to move forward with its plan nevertheless, the dean of students cautioned SJP against "plans to demonstrate on campus and display the wall in blatant defiance of [the college's] shared governance principles," and warned that such an action violated university policy. In the same email, the dean claimed that students had not provided all of the information requested by the college.<sup>64</sup> In fact, students had not received any requests for additional information and were unaware that the college had sought additional information.<sup>65</sup> Despite the apparent attempt to restrict SJP's speech, the dean noted that the college has a "compelling interest in unfettered inquiry and the collective search for knowledge," and "thus affirms, and indeed embraces, principles of protected free speech and expression."<sup>66</sup>

The students defied the college's threat and proceeded to construct the wall.<sup>67</sup> Palestine Legal sent a letter advising Pitzer College of its obligation to protect student political expression under the First Amendment, a protection that applies to private schools in California.<sup>68</sup> The students also mobilized community support through action alerts and garnered support on campus for their protest.<sup>69</sup>

SJP displayed the wall on campus for three days and then invited the campus community to help dismantle it.<sup>70</sup> The Pitzer administration allowed the project to go forward without further interference.<sup>71</sup> An SJP member told Palestine Legal that one student opposed to the political message filed a complaint with the student senate claiming that the mock wall violated the campus demonstrations policy, but the senate voted not to open an investigation, out of respect for free speech.<sup>72</sup>

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## **Columbia University/Barnard College**

### **Title VI complaint targets professor**

Incident Date: September 2011–January 2012

Location: New York, NY

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In 2011, Kenneth Marcus, then director of the Initiative on Anti-Semitism at the Institute for Jewish and Community Research, filed a Title VI complaint against Barnard College on behalf of an Orthodox Jewish student alleging discrimination. The student alleged that a professor told her to avoid a class with Palestinian professor Joseph Massad, a known advocate for Palestinian rights.<sup>73</sup> The federal office charged with investigating such complaints—the US Department of Education's Office for Civil Rights (OCR)—opened an investigation in September 2011, but closed it in January 2012 after it could not corroborate the discrimination allegations against the professor who was accused of discouraging the student from taking the class.<sup>74</sup>

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## **Columbia University/Barnard College**

### **College removes SJP "Stand for Justice" banner**

Incident Date: March 2014

Location: New York, NY

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In March 2014, Barnard College took down a Students for Justice in Palestine (SJP) banner from Barnard Hall after pro-Israel students

complained about the banner's political content.

Columbia SJP, which consists of students from Barnard College and Columbia University, adhered to the standard procedure for student groups wishing to hang a banner on Barnard Hall: they reserved the space, used the material provided by Barnard, and made the banner. The banner read "Stand for Justice, Stand for Palestine" and included a hand-drawn map of historic Palestine and the acronym IAW, shorthand for Israeli Apartheid Week.<sup>75</sup> Barnard hung the banner around 5 p.m. on Monday, March 10, 2014.<sup>76</sup>

Within hours of the banner's installation, the former president of the Columbia/Barnard Hillel chapter started an email campaign against it.<sup>77</sup> A Facebook post from the former Hillel president called the banner antisemitic and the advertised Israeli Apartheid Week events an "attempt to perpetuate the pernicious lie that Israel is an apartheid state."<sup>78</sup> The president of Hillel at the time complained that the banner "threatens and makes many students on campus feel unsafe."<sup>79</sup>

Within hours of receiving the complaints and without notice, Barnard removed SJP's banner.<sup>80</sup> On March 11, Barnard dean Avis Hinkson announced the college's decision to reexamine its "long-standing" tradition of installing banners promoting student events alongside the official Barnard banner, stating that "until we have had time as a community to discuss the banner placements on Barnard Hall and better define a policy, [the college] will not be hanging student banners on Barnard Hall."<sup>81</sup>

In two letters to Barnard's president, CCR said that Barnard's explanation for the banner's removal—that it wanted to avoid the perception that the university endorsed the banner's content—appeared disingenuous, given that students had hung banners in the same place for many decades without any confusion as to whether the university endorsed their messages.<sup>82</sup> Several student groups, as well as Barnard's Student Governing Board, expressed outrage at the university's actions, highlighting its impact on marginalized groups, open discourse, and freedom of speech.<sup>83</sup>

In April 2015, Barnard College announced that it had designated a new banner space inside the second floor of the Diana Center.<sup>84</sup>

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## Columbia University

### SJP receives bomb threat

Incident Date: March 2015

Location: New York, NY

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On March 23, 2015, the Columbia Students for Justice in Palestine (SJP) chapter received a series of tweets threatening to bomb its Israeli Apartheid Week panel discussion, titled "Media, Solidarity and Palestine," scheduled to take place the following day on Columbia's campus.<sup>85</sup> The first tweet, issued by a user with the handle @ProudJewYr3833, stated: "all you neo-nazis in one place makes a good target for an IED. ;)." Further tweets from @ProudJewYr3833 stated "LOL a wish isn't a threat dumb bitch. I knew you were a propagandist and not a real journalist" and "@raniakhalek @ColumbiaSJP But maybe you should cancel the panel just to be on the safe side you never know there are a lot of loons on the" [sic].

After Columbia SJP reported the threat, the university assigned a public safety officer to the event.<sup>86</sup> The university declined to issue a condemnation or other public statement, stating that "public discussion of these kinds of threats, which naturally raises their profile, can often result in copycat, additional threats."<sup>87</sup>

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## Columbia University

### ZOA attempts to censor workshop

Incident Date: May–June 2015

Location: New York, NY

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On May 27, 2015, the Zionist Organization of America (ZOA) sent a letter to Columbia's Middle East Institute in order to censor a workshop for high school and college instructors the Institute had cosponsored titled "Citizenship and Nationality in Israel/Palestine." The letter demanded that the institute provide the names and affiliations of all workshop speakers, copies of all readings and materials, and the names of any films to be screened, in order to "show" that the workshop "will comply" with the Higher Education Act (HEA).<sup>88</sup> Led by Columbia law professor Katherine Franke, the workshop explored issues of nationality and citizenship in Israel/Palestine using Zionist and Israeli texts.<sup>89</sup>

In its letter to the Middle East Institute, the ZOA complained about the workshop's title, which it deemed inaccurate and misleading "since there is presently no country called 'Palestine.'" The letter went on to attack the workshop as "one-sided and riddled with anti-Israel bias," incorrectly stating that the HEA requires "diverse perspectives." ZOA also accused Professor Franke of antisemitism for publicly supporting BDS.<sup>90</sup> The workshop proceeded on June 20th as planned.

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## CUNY: Brooklyn College

### College rescinds doctoral candidate's appointment

Incident Date: January 2011

Location: Brooklyn, NY

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On January 26, 2011, Brooklyn College rescinded the appointment of doctoral candidate Kristofer Petersen-Overton after New York state assembly member Dov Hikind, a staunch Israel advocate with ties to right-wing extremist Meir Kahane,<sup>91</sup> complained about his criticism of Israel. Hikind attacked Peterson-Overton's syllabus for a master's-level course on the politics of the Middle East, which Hikind claimed unfairly criticized Israel, and an unpublished academic paper Peterson-Overton wrote on Palestinian identity, which Hikind asserted supported suicide bombing.<sup>92</sup> Hikind, a former member of the Jewish Defense League, described as a "right-wing terrorist group" by the FBI,<sup>93</sup> wrote Brooklyn College after a student planning to take the course complained about Peterson-Overton's work in Gaza with the Palestinian Center for Human Rights, one of the leading human rights organizations in the region.<sup>94</sup>

Brooklyn College justified its decision to rescind Peterson-Overton's appointment by saying that the doctoral candidate lacked the proper credentials to teach the seminar.<sup>95</sup> Professor Mark Ungar, who made the decision to hire Petersen-Overton, responded that students still working on their doctoral degrees teach many of the college's master's-level courses.<sup>96</sup>

On January 31, 2011, Brooklyn College reinstated Petersen-Overton without condition after the political science department unanimously voted to recommend he teach the course, and after hundreds of CUNY's Professional Staff Congress members and other scholars from across the US protested his firing.<sup>97</sup> Hikind called Brooklyn College's reappointment of Peterson-Overton "shameful," stating that, in doing so, the college "sent a message to suicide bombers and their supporters that a publicly funded institution of higher learning condones suicide bombing as an acceptable method of 'resistance.'"<sup>98</sup>

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## **CUNY: Brooklyn College**

### **Politicians pressure administrators to cancel BDS event**

Incident Date: January 2013—March 2014

Location: Brooklyn, NY

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In early 2013, Brooklyn College came under heavy pressure from New York City elected officials to cancel a panel discussion on the BDS movement featuring Judith Butler and Omar Barghouti.

New York state assembly member Dov Hikind led the charge,<sup>99</sup> but more mainstream New York politicians, including Christine Quinn and Bill Thompson, leading contenders in that year's mayoral election,<sup>100</sup> and Harvard professor Alan Dershowitz<sup>101</sup> also criticized the event and the Political Science department's sponsorship of it. Hikind called on Brooklyn College president Karen Gould to resign over the event.<sup>102</sup> New York City council member Lewis Fidler and other council members threatened to withhold funding from the college if it did not cancel or remove its official support from the event.<sup>103</sup> Nineteen self-described "progressive" New York City elected officials also wrote Gould, calling the event "one-sided" and demanding that the political science department withdraw its sponsorship of the event.<sup>104</sup>

CCR and the National Lawyers Guild (NLG) wrote to the council members who cosigned the letter to Gould, stating that their threat to withhold funding to Brooklyn College constituted "a form of compulsion the First Amendment prohibits."<sup>105</sup> Gould,<sup>106</sup> the political science department,<sup>107</sup> the *New York Times*,<sup>108</sup> and Mayor Michael Bloomberg<sup>109</sup> publicly recognized the students' right to organize the event and the importance of allowing discussion on controversial topics.

The event took place as scheduled on February 7, 2013, though Brooklyn College required attendees to pass through two checkpoints and a metal detector staffed by public safety officers to gain admission.<sup>110</sup> Anti-BDS protestors demonstrated outside.<sup>111</sup>

Following the program, allegations were made that Jewish pro-Israel student activists had been removed from the event and others excluded because they were Jewish.<sup>112</sup> Brooklyn College Students for Justice in Palestine (SJP) issued a statement rebutting these claims, stating that the four students had been removed from the event for "talking, shuffling papers, and moving noisily around in their seats for several minutes . . . prompting complaints from other attendees sitting nearby."<sup>113</sup> CUNY trustee Jeffrey Wiesenfeld and lawyer Neal Sher claimed that the college had discriminated against the pro-Israel students and other Jewish individuals because of their religion and political views and threatened to file a Title VI civil rights complaint.<sup>114</sup> Alan Dershowitz also claimed that the removal of the students and the request that they hand over anti-BDS leaflets violated their First Amendment rights.<sup>115</sup>

CUNY's general counsel led a two-month investigation into the discrimination claims, interviewing more than forty individuals. The investigation found no evidence that SJP students discriminated against anyone on account of their religion.<sup>116</sup> CUNY found that organizers had accidentally left some individuals—allies and opponents of BDS alike—off RSVP lists because of a confused and disorganized registration process, resulting from the significant interest in the event and changing requirements imposed by administrators. The report concluded that students should not have been removed from the event, but dismissed claims of discrimination based on political viewpoint as "speculative."<sup>117</sup> It also criticized Brooklyn College's handling of the event, including failing to develop a plan

to deal with disruptions and to identify who had authority to remove disruptive audience members.<sup>118</sup> The report acknowledged the unprecedented pressure on the student organizers, who had not "been involved in an event that was as large and as controversial . . . or that was accompanied by such serious security preparation" and "appeared somewhat overwhelmed."<sup>119</sup>

The report failed to quiet critics, who continued to attack CUNY and Brooklyn College.<sup>120</sup> In March 2014, Gould publicly apologized to the students who had been removed, saying that she found it "likely" that the students had been removed "because they held viewpoints contrary to those being promoted by the SJP," in contrast to the report's findings.<sup>121</sup> The statement also noted that Brooklyn College decided to change its policies and guidelines for student organizations and events in response to the BDS event, including by imposing security fees for large public events at the discretion of campus public safety officials.<sup>122</sup> Brooklyn College suspended the fees in October 2014 after Palestine Legal and CCR informed the administration that the fees raised constitutional concerns.<sup>123</sup>

The Zionist Organization of America (ZOA) and the Brandeis Center<sup>124</sup> both issued press releases praising Gould's statement and detailing their role in pushing her to issue it. ZOA explained that it had filed a Title VI complaint in July 2013 alleging that Brooklyn College tolerated a hostile environment for Jewish students, and that the Department of Education's Office of Civil Rights (OCR) had mediated a resolution between the college and a group of students represented by the ZOA, which resulted in Gould's public apology.<sup>125</sup> Brooklyn College made no public announcement regarding the Title VI complaint and failed to notify SJP students about or involve them in the dispute resolution process.

This incident has had repercussions across the CUNY system. Students have reported to Palestine Legal that administrations have subjected their SJP groups to close administrative scrutiny and made it more difficult to organize campus events.

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## **CUNY: Brooklyn College**

### **Politicians seek cancellation of Salaita event**

Incident Date: November 2014

Location: Brooklyn, NY

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New York state assembly members Steven Cymbrowitz and Dov Hikind demanded that Brooklyn College cancel a November 20, 2014, discussion about academic freedom in the context of conversations about Palestine/Israel.<sup>126</sup> In a letter to Brooklyn College president Karen L. Gould, Cymbrowitz stated that the college "should not make a habit of turning a deaf ear either to the community it serves, which includes a large Jewish population, or to its major funding source" and that the forum "would serve no other purpose but to further incite anti-Semitism." Students for Justice in Palestine (SJP) and several Brooklyn College academic departments, including political science, sponsored the event, titled "Silencing Dissent: The University vs. Academic Freedom," featuring Professor Steven Salaita, who was terminated from a tenured faculty position at the University of Illinois for tweets critical of Israel, Professor Katherine Franke and Professor Corey Robin (see Appendix entry, University of Illinois at Urbana-Champaign).<sup>127</sup> The event proceeded as planned.

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## **CUNY: John Jay College of Criminal Justice**

### **College restricts Gaza “Die-In”**

Incident Date: October–December 2014

Location: New York, NY

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On October 8, 2014, John Jay College instructed SJP not to use sheets covered in red paint (representing blood) during their “Die-In/Vigil from Ferguson to Gaza” that day after pro-Israel students complained that they felt uncomfortable with the message.

SJP applied for and received permission from John Jay College’s Center for Student Involvement and Leadership to hold the “die-in/vigil.”<sup>128</sup> Approximately a half hour before the event, CSIL’s student life coordinator asked the secretary of SJP to step into his office, closed the door, and told her that the sheets and the red paint made people feel “uncomfortable” and “that’s not okay.”<sup>129</sup> As a result of the meeting, SJP used only half of the painted sheets.

During the early afternoon protest, about thirty students held posters with messages such as “Hands Up, Don’t Shoot,” “Black Lives Matter, Palestinian Lives Matter,” “US Dollars Feed Israeli War Crimes,” and “Free Palestine.” Seven or eight students staged a “die-in” where they theatrically wrapped themselves in white sheets, some with red paint, and lay on the floor to represent lives taken by military and police repression.<sup>130</sup> Students from Hillel staged a counter-protest at approximately the same time. Later, students reported to SJP that they did not participate in SJP’s protest because the student life coordinator discouraged them from doing so.<sup>131</sup>

On October 14, 2014, the *Jewish Weekly* published an article suggesting that SJP’s protest was antisemitic and contributed to a hostile environment for Jewish students on campus.<sup>132</sup> On October 21, 2014, John Jay president Jeremy Travis sent a letter to the campus community expressing his deep concern, “both personally and professionally, by recent reports that Jewish students at John Jay College have felt intimidated and harassed on our campus” and linking SJP’s activities with a rise in antisemitism in Europe.<sup>133</sup>

Palestine Legal and CCR sent a letter to President Travis advising him that the college’s actions “[chill] student expression that John Jay College is required to protect.”<sup>134</sup> After two meetings with SJP, as well as Hillel and the United Nations club, President Travis sent a second letter to the John Jay community on December 16, 2014, reaffirming the college’s commitment to the First Amendment and the free exchange of ideas.<sup>135</sup>

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## **CUNY: College of Staten Island**

### **College imposes bureaucratic barriers on Ali Abunimah event**

Incident Date: March 2014

Location: Staten Island, NY

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In spring 2014, CUNY Staten Island (CSI) imposed a set of administrative requirements on Students for Justice in Palestine (SJP) that made it difficult to hold an event cosponsored by the anthropology, English, social work, and sociology departments featuring Palestinian-American author Ali Abunimah. After SJP’s president submitted the event form, CSI administrators informed her that the flyer advertising the event required preapproval by the college and, under a new college policy, would have to include a large disclaimer stating that CSI and CUNY are “not responsible for the viewpoints expressed.”<sup>136</sup>

Administrators further required SJP’s president to meet with them and representatives from public safety on three separate occasions, during which they questioned her about the event’s content.<sup>137</sup> The administration took one month to approve the event.<sup>138</sup> After the event, Provost Fred Naider wrote SJP’s faculty advisor demanding that SJP “balance” its events with pro-Israel voices.<sup>139</sup>

SJP’s president told Palestine Legal that she had faced similar delays and bureaucratic barriers when seeking event approval the previous academic year, SJP’s first in existence. These barriers included requirements to attend meetings with administrators with little advanced notice, repeated questioning about SJP’s activities and delayed receipt of event approval, sometimes the same day as a scheduled event.<sup>140</sup> CSI also posted a security guard outside an SJP meeting and posted at least four security guards at several SJP events during the 2013–14 academic year, which made students feel “like they’re being surveilled or that the school is suggesting that SJP is up to illegal activity.”<sup>141</sup> The students told administrators that they wanted “this special security attention to stop, and for CSI to treat us like any other club.”<sup>142</sup>

The club’s faculty advisor, Sarah Schulman, told Palestine Legal that in June 2013, a few months after SJP’s formation, CSI vice president Ramona Brown had urged her to instruct SJP to hold events with Hillel.<sup>143</sup> Schulman reported that few professors wanted to advise SJP for fear of administrative backlash.<sup>144</sup>

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## **DePaul University**

### **Israeli consul interferes with divestment referendum**

Incident Date: May 2014

Location: Chicago, IL

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In late May 2014, the local Israeli consulate intervened to help defeat a divestment referendum at DePaul University in Chicago, while Israel advocacy organizations leveled accusations of antisemitism against divestment supporters.<sup>145</sup> The referendum, which passed with 1,575 students in favor and 1,333 opposed,<sup>146</sup> called for the university to divest from companies that profit from Israel’s human rights abuses and prohibited DePaul’s Student Government Association from passing any resolutions the following academic year that contradicted it.

The passage of the referendum came after weeks of mobilizing by DePaul Divest—a coalition of students, faculty, and staff supporting divestment—which faced extensive pressure. According to SJP DePaul’s press release, “This victory did not come without immense outside interference by pro-Israel lobbyist group StandWithUs, whose paid staff frequently presented themselves as individuals affiliated with DePaul University [and] canvassed the student body in a counter campaign to DePaul Divest.”<sup>147</sup> Opponents sought to undermine the referendum by labeling it antisemitic and falsely accusing the coalition of seeking to cut funding for Jewish students groups.<sup>148</sup> A blogger published a video of Jewish DePaul students claiming that they felt unsafe on campus because of the divestment campaign.<sup>149</sup>

Students reported that the Israeli consul general also organized against the referendum, going as far as to canvass students personally on campus on the final day of voting, while members of his entourage photographed pro-divestment student campaigners as they spoke with other students and leafleted.<sup>150</sup> Students who have family and friends in occupied Palestine or who travel there expressed concern to Palestine Legal that such surveillance could have serious consequences for them and their families, given Israel’s documented practice of denying Palestinian-Americans entry into Israel and the West Bank and harassing them at the borders.<sup>151</sup>

Palestine Legal wrote a letter to DePaul's president raising concerns about StandWithUs's claims and the presence of the consul general on campus, in the context of the university's obligations to protect student speech, and informing the university of StandWithUs's use of Title VI threats to undermine student activism.<sup>152</sup> The university did not respond.

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## DePaul University

### University imposes security fees on SJP

Incident Date: January–April 2015

Location: Chicago, IL

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A fundraiser sponsored by DePaul Students for Justice in Palestine (SJP) for the legal defense of Rasmia Odeh led to the imposition of extra security fees on SJP, false accusations that SJP supports terrorism, and legal threats. DePaul SJP organized the event in February 2015 to support Odeh, a Palestinian community organizer facing deportation.

Israel advocacy organizations, including the American Jewish Committee, the Zionist Organization of America (ZOA), and StandWithUs, condemned the event, comparing SJP to Hamas and characterizing Odeh as “a convicted Palestinian terrorist.”<sup>153</sup> In a January 29 letter to DePaul's president, ZOA questioned “the legality of the SJP's fundraiser—and the use of DePaul University resources to carry it out” and falsely claimed that the fundraiser provided material support for terrorism.<sup>154</sup> ZOA also implied it might file a Title VI complaint against DePaul if it did not condemn the event. Metro Chicago Hillel also blasted the event in a *Chicago Sun-Times* editorial,<sup>155</sup> and organized a vigil on the night of the fundraiser for Israeli victims of the 1969 bombing that Israeli military courts convicted Odeh of perpetrating based on a confession obtained under torture.<sup>156</sup>

SJP received dozens of hateful messages on social media accusing them of supporting a “terrorist sympathizer,” and declaring that “justice for Rasmia would be a quick death” and that “killing innocent civilians has been an SJP cause since its inception.”<sup>157</sup>

Two weeks before the event, DePaul officials mandated that SJP organizers hire security guards for the event at SJP's expense. The university told the student group that it felt, based on social media commentary and the planned counter-protest, that SJP members needed security for their own protection.<sup>158</sup>

Palestine Legal wrote to a university administrator requesting that he clarify its policies on security fees, emphasizing that “when the reaction of others to the content of an event determines a student group's ability to discuss an issue on campus, it gives those opposing their message an effective veto over their speech rights, and forces the students to subsidize the threatened opposition to or disruption of their event.”<sup>159</sup> Palestine Legal also noted that, based on the students' experiences, the university rarely forced student groups to pay for their own security, suggesting that the imposition of the fee reflected the university's opposition to the students' message.

University counsel responded to Palestine Legal's letter, but failed to address concerns about the arbitrary enforcement of DePaul's security policies.<sup>160</sup> The administration ultimately sent four security guards to the event and billed SJP \$480 for their services. Students reported that the event took place without incident and that the security guards “did nothing for us and they spent a lot of time just sitting and talking.”<sup>161</sup>

SJP protested the \$480 fee, stating that it lacked the funds. Since SJP was unable to pay the \$480, DePaul placed a hold on the group's

ability to reserve space in the DePaul Student Center for its events.<sup>162</sup> After several meetings with students, administrators agreed to cover half of the costs, remove the hold on SJP, and extend the due date for the remainder of the fees.<sup>163</sup> The university also agreed to host a workshop for student organizations to clarify the security policy and allow students to provide input about them.<sup>164</sup>

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## Florida Atlantic University

### Students falsely accused of antisemitism for mock eviction flyer

Incident Date: March 2012

Location: Boca Raton, FL

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Israel advocacy organizations accused Students for Justice in Palestine (SJP) at Florida Atlantic University (FAU) of targeting Jewish students in a mock eviction action it organized in the spring of 2012. On March 30, 2012, university staff approved mock eviction notices and escorted SJP members as they posted the notices randomly on dorm room doors.<sup>165</sup> The flyer, which informed students that their dorm was scheduled for demolition and had a copy of a Palm Beach County seal on the bottom, stated in large bold letters at the bottom: “Not a real eviction notice. Not affiliated with the County.” The flyer contained information about the Israeli state's practice of evicting Palestinians and demolishing their homes to make way for Israeli settlers.

Some Jewish students and several nonstudent organizations, including the Anti-Defamation League, the Zionist Organization of America, and the local Hillel group, strongly objected to the action. In letters to university officials and media appeals, they decried the notices as antisemitic and falsely asserted that the SJP students had created an unsafe environment for and frightened the Jewish community.<sup>166</sup> Palm Beach County also threatened legal action against the student group for using the county seal without authorization.<sup>167</sup>

Israel advocacy groups pressured the university to punish SJP and suspend the students.<sup>168</sup> FAU investigated the incident and ultimately found that SJP had posted the notices randomly and had not targeted Jewish students.<sup>169</sup> While the university did not discipline students, it took unspecified “corrective steps” against the staff members who approved the flyers despite university policies that prohibit posting flyers on dorm room doors.

As a result of the incident and media coverage it engendered, SJP students began receiving emails with racial slurs and death threats.<sup>170</sup> CCR, Palestine Legal, and several other rights groups “urge[d] all universities to resist outside pressure to punish students for their political speech, and to respond with the respect for students' constitutional rights that it is the university's duty to protect and to promote.”<sup>171</sup>

The students continued to face harassment after the incident. A video created by a right-wing group, the United West, named by the Southern Poverty Law Center as an Islamophobic hate group,<sup>172</sup> identifies individual students by name and falsely insinuates that they are associated with designated terrorist organizations.<sup>173</sup> The video also attacks FAU for failing to address an alleged antisemitic environment and urges alumni and donors to complain and discontinue their support for the university.

FAU released a statement affirming that SJP had not been observed engaging in antisemitic speech and that students had never complained of SJP harassment or intimidation.<sup>174</sup> It also confirmed that the campus Hillel chapter and the Jewish Federation of South Palm Beach County had both dismissed as unfounded the accusation that FAU tolerated an antisemitic environment on campus.

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## Florida Atlantic University

### Students disciplined for protest

Incident Date: April–August 2013

Location: Boca Raton, FL

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In the spring of 2013, FAU students faced disciplinary charges for protesting a speaking event featuring an Israeli soldier.

The April 19 event, entitled “Ethics in the Field: An Inside Look at the Israel Defense Forces,” featured an Israeli colonel.<sup>175</sup> During a pause at the beginning of the presentation, one SJP student stood up and read several facts about alleged war crimes committed by the IDF. In response, nonstudent audience members yelled epithets and racial slurs at the student.<sup>176</sup> Several other students stood up and walked out, while two others silently held up a banner that read “War Criminal” before leaving the room. The entire protest lasted about two minutes, and the event continued for approximately an hour and a half. FAU subsequently charged five SJP students with violations of the student conduct code, disruption, interfering with the free speech and academic freedom of others, and providing false information to school officials. The investigation and disciplinary process lasted about four months.<sup>177</sup>

While the students did not accept responsibility for the charges, asserting that their protest constituted protected free speech, they agreed to the conditions imposed by the university in order to avoid a protracted legal battle and potentially greater punishment.<sup>178</sup> The conditions included a ban on holding leadership positions in any student group, probation for the remainder of their university careers, and a requirement that three of the students attend a diversity training designed by the Anti-Defamation League (ADL), the same organization that previously maligned them as antisemitic.<sup>179</sup> Israel advocacy groups had lobbied the university to exact these same punishments on SJP students the previous academic year after students distributed mock eviction notices. Reports also indicated that the ADL and other groups continued to lobby FAU to punish and censor SJP, claiming that “FAU has been too accommodating to the group.”<sup>180</sup> In response to the pressure, FAU officials met with the ADL in June 2013 and publicized a new diversity website, largely focused on its public statements regarding accusations of antisemitism and its extensive programming around topics of interest to Jewish students.<sup>181</sup>

CCR, the National Lawyers Guild of South Florida (NLG-SoFla), the American-Arab Anti-Discrimination Committee (ADC), and the Council on American-Islamic Relations (CAIR) of Florida advocated on behalf of the students, writing letters expressing their concern with the disproportionate punishment, which they argued likely violated the students’ speech rights.<sup>182</sup> The university defended its actions and described itself as a “marketplace of ideas.”<sup>183</sup> CCR, NLG-SoFla, and ADC responded that the university had failed to address their substantive concerns regarding potential violations of SJP students’ rights.<sup>184</sup>

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## Loyola University—Chicago

### Off-campus groups interfere with student divestment vote

Incident Date: March 2014–March 2015

Location: Chicago, IL

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At Loyola University in Chicago (LUC), Israel advocacy organizations pressured student government officials and LUC administrators to condemn and overturn student government votes in favor of divestment.

In March 2014, LUC student government twice voted on a measure asking the administration to divest from eight companies that profit from Israel’s military occupation.<sup>185</sup> After the student government first voted in favor of the divestment measure on March 18, 26–0 with two abstentions, Metro Chicago Hillel and the Jewish United Fund pressured the administration and the student government to rescind their decision, claiming that “opponents of the measure had no opportunity to voice their views prior to the . . . vote.”<sup>186</sup>

According to the Jewish Telegraphic Agency, the day after the vote, the Jewish United Fund’s Israel Education Center, along with Metro Chicago Hillel, met privately with the student government president, pressuring him to overturn the vote. Following criticism of the measure from Israel advocacy groups, the university made a public statement criticizing the democratically approved student measure and resolving not to follow its recommendations.<sup>187</sup> The president called the measure “one-sided” and “extremely unfair [to] our Jewish faculty, staff and students.”<sup>188</sup> The provost likewise stated that “a small group of students with little notice or effort to educate others used the student government senate to advance an anti-Israel policy position” and that “the action was harmful and divisive.”

Although the students supporting divestment said they had publicly collected 1,000 student signatures in support of their measure and followed all the normal procedures in bringing forth the vote,<sup>189</sup> the student government voted again to permit students opposed to divestment to address the senate. The senate then again endorsed divestment in a 12–10 vote with nine abstentions; however, the student government president vetoed the resolution one day later, on March 26.<sup>190</sup>

A year later, in March 2015, a coalition of students again brought a divestment resolution to the student government, which again passed, 16–15 with two abstentions.<sup>191</sup> The university president issued a public letter to the entire Loyola community reiterating claims made by students who opposed the resolution that they felt “alienated” and perceived the resolution to be “anti-Semitic.”<sup>192</sup> The president also called the resolution “ineffective” and “useless,” and called instead for the opposing sides to “engage in thoughtful and respectful open discussion.”

Loyola Divest responded, “Although you suggest dialogue and discussion, you have not made any efforts to reach out to or meet with, the coalition of students who dedicated months of their time . . . to raise awareness and educate their campus on the human rights issues at the heart of the Measure to Divest. We have been engaging in non-stop dialogue.”<sup>193</sup> The response also highlighted the impact of the president’s condemnation, causing “senators, out of fear of backlash . . . to have the vote be anonymous” and making them “hesitant to speak out in affirmation or opposition, for fear of displaying bias.”

This time, though, the student government president opted not to veto the resolution, stating in a public statement that “the *only* messages I received [in opposition to the resolution] were from concerned administrators,” not from students themselves.<sup>194</sup> He emphasized that the resolution was “in no way . . . anti-Semitic. To critique a university’s private investments and a popular political ideology is not the same as endorsing religious persecution.” In reaffirming his role as representative of the student body, his statement concluded, “We as students . . . must come to face the reality that the university will not divest . . . anytime soon. But, with this measure that has now passed three times, the university must now face the reality that this *is* what the students want and what they believe is best.”

Despite the passage of the student government resolution, the Loyola University Senate announced in April 2015 that it would not discuss divestment, referencing President Garanzini’s condemnation of the resolution and claiming that it “would not be productive.”<sup>195</sup>

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## Loyola University—Chicago

### University disciplines SJP for Birthright Israel action

Incident Date: September 2014

Location: Chicago, IL

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In the fall of 2014, Loyola University—Chicago (LUC) investigated students for engaging in a protest at a Birthright Israel information table.

In September 2014, several students at LUC heard about a tabling event happening on campus the next day for Birthright Israel, a program that takes Jewish youth from around the world on free trips to Israel.<sup>196</sup> According to a statement by LUC Students for Justice in Palestine (SJP), the group decided not to endorse any actions in response, but individual students later lined up at the table to attempt to register for a Birthright trip in order to highlight the discriminatory nature of the program, which excludes all non-Jews. As the students explained, “Any Jewish student worldwide can register for the program, while indigenous non-Jewish Palestinians are not only ineligible for the program, but often are denied the right to live in or even visit their homeland freely.”

About fifteen students quietly lined up at the Birthright table, and the students at the front of the line calmly engaged in a conversation about why they could not register for Birthright, even though their ancestral villages are located in present-day Israel. Several individuals hosting the table told the Palestinian students that they had somewhere else to be and left their table. The students who had lined up quickly posed for a picture together and then dispersed.<sup>197</sup>

Following the event, students affiliated with Hillel claimed that the action blocked the Birthright table in violation of school policy and that the students’ questions were insulting and threatening.<sup>198</sup> LUC SJP’s statement rebutted these claims, providing video footage to show that the action did not obstruct movement or involve harassment or intimidation of any kind.<sup>199</sup>

After receiving complaints, the administration opened an investigation and contacted several SJP students—some of whom had not taken part in the action—to come in and discuss the action. Within days, the administration decided to suspend SJP temporarily while the investigation remained open.<sup>200</sup> Administrators then informed SJP that the suspension pertained not to its ongoing investigation into the Birthright incident, but to a separate alleged violation of university policies relating to another event.

Administrators lifted the suspension a week later, however, after meeting with students to clarify misunderstandings about the previous event and receiving a letter from Palestine Legal, the Council on American-Islamic Relations (CAIR) Chicago, and local attorney Rima Kapitan that raised concerns with the university’s investigation.<sup>201</sup>

The letter highlighted the inflammatory and unfounded nature of the accusations, which followed a pattern of similar such complaints across the country.

After a month-long investigation, administrators charged LUC SJP with six disciplinary violations, including bias-motivated misconduct, harassment and bullying, disruptive conduct, and violating the demonstration policy by failing to register their event.<sup>202</sup> Administrators also charged Loyola’s Hillel chapter, which sponsored the Birthright Israel tabling, with failing to register the tabling event.<sup>203</sup>

After a four-hour hearing, LUC sustained only one of the six charges against SJP— failing to register the “demonstration.”<sup>204</sup> It also

sustained a similar charge against Hillel, but meted out strikingly disproportionate sanctions. While LUC placed SJP Loyola on probation for the remainder of the academic year and required members to undergo intergroup dialogue training, it only required Hillel to meet with administrators to clarify school policies. The probation deprived SJP of any additional funding for its activities and put the group at risk of more severe sanctions for any possible future infraction.

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## Montclair State University

### Student government fines SJP for “political activity”

Incident Date: September–October 2014

Location: Montclair, NJ

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On September 25, 2014, Montclair State University Student Government Association (SGA) sanctioned and fined the campus Students for Justice in Palestine (SJP) chapter for a tabling event it had held three days prior. During the tabling event, SJP distributed brochures with statistics on Israeli settlement activity and home demolitions, a map depicting Palestinian loss of land from 1946 to 2000, SJP’s values statement, and information on how students could get involved with SJP.<sup>205</sup>

After receiving complaints that the group handed out “offensive” pamphlets, SGA’s attorney general sent SJP a “letter of sanction” on September 25, 2014, notifying SJP of SGA’s decision to fine the group 5 percent of its fall semester budget and ordering it to cease all “political propaganda” and “focus [its] events on the Palestinian culture.”<sup>206</sup> SGA did not provide SJP the opportunity to respond to the complaints or appeal the decision.

The Foundation for Individual Rights in Education (FIRE) sent a letter to Montclair State University president Susan Cole advising her that the “sanctions and censorship demands imposed by [the SGA Attorney General] violate the First Amendment rights of MSJP and must be reversed.”<sup>207</sup>

On October 8, the SGA president informed SJP that SGA had rescinded its September 25 letter and would not impose any sanction on the group.<sup>208</sup>

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## New York University

### Mock eviction action brings false antisemitism accusations

Incident Date: April 2014

Location: New York, NY

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In April 2014, NYU’s Students for Justice in Palestine (SJP) faced accusations of antisemitism after a mock eviction action it organized. On April 24, 2014, NYU SJP members distributed flyers in NYU residence halls, which informed students that authorities had scheduled their suite for demolition in three days and included several paragraphs on Israel’s home demolition policies and a disclaimer that “this is not a real eviction notice. This is intended to draw attention to the reality that Palestinians confront on a regular basis.”<sup>209</sup>

Later that day, the *Times of Israel* published an article by the president of NYU’s Israel advocacy group, TorchPac, falsely claiming that SJP had targeted a dorm with a “high concentration” of Jewish students,

noting that one of the two residence halls had a Sabbath elevator, and that the action constituted “anti-Semitic fearmongering.”<sup>210</sup> Several news outlets repeated the baseless claims and the administration summoned SJP for a meeting to discuss the incident.<sup>211</sup>

NYU spokesperson John Beckman rebuked the charges of antisemitism, explaining that “we don’t believe there is perception of this dorm as having an a [sic] higher percentage of Jewish students (the presence of a Sabbath elevator is the result of a stairway that empties to the street and cannot be entered through the lobby behind the security desk, not because of a disproportionate presence of Jewish students in the building).”<sup>212</sup> SJP stated that it chose these two particular dorms, because they were NYU’s largest and the most accessible to SJP members.<sup>213</sup>

The *Times of Israel* article also falsely accused SJP of maintaining financial ties to Hamas. In a statement, SJP explained that it relies “exclusively” on funding by NYU’s All-Square Student Budget Allocation Committee (ASSBAC), per NYU policy.<sup>214</sup> Administrators took no disciplinary action against NYU’s SJP.

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## Northeastern University

### University sanctions SJP for event walkout

Incident Date: April 2013

Location: Boston, MA

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In April 2013, Northeastern University put Students for Justice in Palestine (SJP) on probation for the remainder of the calendar year after members of the group staged a walkout at a campus event featuring an Israel Defense Forces (IDF) soldier. Campus officials warned students by email before the event not to hold signs or engage in “vocal disruption.”<sup>215</sup> In keeping with the warning, students decided to tape the names of Palestinian children killed by the IDF to their shirts and planned a walkout. During a pause in the presentation, one SJP student stood up and stated, “The IDF are war criminals and they are not welcome on our campus,” then proceeded to walk out with other students, who spontaneously chanted “Free Palestine” as they left the room.<sup>216</sup> The disruption lasted less than one minute and the event continued without further incident.<sup>217</sup>

The following day, campus officials sent students an email notifying them that the university had opened an investigation into whether SJP had violated the university demonstrations policy, which could affect their status as a group.<sup>218</sup> They also cancelled an event SJP had scheduled that evening, a scholarly lecture by Palestinian researcher Dr. Abu Sitta, referencing the previous day’s walkout and SJP’s “failure to plan the event in a timely manner.” SJP members, who told Palestine Legal that they had organized the event according to the usual procedures,<sup>219</sup> opted instead to hold the event at Northeastern’s law school.<sup>220</sup>

On April 17, the university sent SJP a hearing notice, which informed students that they faced charges of failing to comply with school officials’ directions on how to conduct their protest, violating the demonstration policy by not registering their walkout seven days in advance, and failing to comply with the university’s cancellation of Dr. Sitta’s lecture.<sup>221</sup> After a hearing, the university found SJP responsible for violating the demonstration policy, clearing them of the other two charges, and put the group on probation until December 2013. It also directed SJP to write a “civility statement.”<sup>222</sup>

The administration did not specify what content it expected SJP to include in the “civility statement,” but noted, “Our goals remain to support our student organizations to experience success and to maintain high standards of civility and respect to all members of the

University community.” SJP submitted a statement in December 2013, which reasserted students’ rights to free speech and declared, “We will continue to challenge repugnant ideas vocally, expressing an alternate view. This should be welcomed at a prominent university.”<sup>223</sup>

The sanctions that Northeastern applied to SJP sharply contrasted with the university’s decision not to sanction other students who staged similar “disruptions,” including pro-Israel students’ vocal protest of a lecture by political scientist Norman Finkelstein in 2010.<sup>224</sup> The administration denied that it engaged in discriminatory treatment, noting that the pro-Israel students sought and received “emergency permission” to demonstrate. Though aware of SJP’s plans to protest, and in communication with organizers, including with directions on how to protest, administrators at no time notified SJP that it could request emergency permission for the action.

A *Boston Globe* columnist questioned whether the students’ political views factored into the sentencing and challenged the school’s policy: “No signs or shouting at demonstrations? Those things are essential to protest, time-honored democratic traditions. A requirement that students get a permit a week ahead is especially onerous.”<sup>225</sup>

This incident took place amid pressure on the university by Israel advocacy groups to restrict SJP’s activity. In a July 2013 letter to Northeastern that was copied to a major university donor, the Zionist Organization of America (ZOA) raised concerns about the allegedly hostile, antisemitic environment on campus and suggested it might file a Title VI complaint.<sup>226</sup> The previous winter, in December 2012, a right-wing group, Americans for Peace and Tolerance, released a documentary film alleging antisemitism at Northeastern. The film targeted SJP and three professors, including SJP’s faculty advisor, and included surreptitiously recorded footage from SJP events and the professors’ classes.<sup>227</sup>

Administrators imposed additional bureaucratic hurdles on SJP amid this external pressure campaign. Other obstacles SJP faced included the cancellation of a mock-checkpoint action the day before due to an alleged failure to follow proper procedures, a police presence at all SJP events against its express wishes, and attempts to revoke SJP’s status for not properly signing a student group registration form it had submitted.<sup>228</sup> Civil rights organizations, including Palestine Legal, CCR, National Lawyers Guild–Massachusetts, and ACLU–Massachusetts complained to Northeastern that these bureaucratic obstacles amounted to apparent discriminatory treatment.<sup>229</sup>

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## Northeastern University

### University suspends SJP after mock eviction flyering

Incident Date: March–April 2014

Location: Boston, MA

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In March 2014, Northeastern University suspended Students for Justice in Palestine (SJP) after a mock-eviction action it organized. On February 23, 2014, SJP members at Northeastern University distributed flyers under the doors of students’ dorm rooms that stated that authorities had scheduled the dorm for demolition, accompanied by a note explaining that it was not a real eviction notice and contained facts about Israel’s demolition of Palestinian homes.<sup>230</sup>

Two days later, Northeastern’s Associate Dean for Cultural and Residential Life emailed the student body, urging students to express to administrators and Hillel House of Northeastern “how this had impacted [them].”<sup>231</sup> Northeastern’s Hillel also published a letter on its website stating that it was working with Northeastern’s police department to “conduct a thorough investigation.”<sup>232</sup>

As part of its investigation, students told Palestine Legal that campus police interrogated two SJP students in their homes, approached two students in class, and called four other students on their cell phones.<sup>233</sup>

On March 7, 2014, Northeastern informed SJP that it had decided to suspend the group through December 31 for this and prior incidents. The list of prior incidents, according to SJP, included incidents it had nothing to do with and others for which the administration had found it “not responsible.”<sup>234</sup> Northeastern also charged two SJP students with violating the code of student conduct by “constitut[ing] a threat to self and others or to the proper functioning of the university,” failing to control guests, and violating university posting policies.<sup>235</sup> The university sustained the latter two charges against two students after completing its investigation. SJP noted that, “the Handbook guidelines on flyer distribution in dormitories are flouted, if not flatly ignored by other student groups, as well as individuals, on a regular basis.”<sup>236</sup>

The Zionist Organization of America (ZOA) immediately praised and claimed credit for the group’s suspension, and other Israel advocacy groups followed suit.<sup>237</sup> The incident attracted significant media attention.<sup>238</sup>

In addition to a large campaign joined by numerous community groups, unions, and student groups,<sup>239</sup> Palestine Legal, CCR, the National Lawyers Guild (NLG), and the ACLU of Massachusetts pressured Northeastern to lift SJP’s suspension, arguing that it constituted viewpoint discrimination in violation of Massachusetts law. On April 23, 2014, SJP announced that the administration had reinstated it.<sup>240</sup> The students agreed to a probationary period and regular meetings with an associate dean.<sup>241</sup>

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## Northeastern University

### Student Council blocks voting on divestment resolution

Incident Date: February–March 2015

Location: Boston, MA

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In February 2015, Northeastern University’s student government blocked the campus Students for Justice in Palestine (SJP) chapter from placing a referendum on the election ballot regarding divestment from companies profiting from violations of Palestinian rights.<sup>242</sup>

In order to put a referendum on a ballot at Northeastern, the referendum’s sponsor must obtain the approval of the student executive board, which is charged with assessing “feasibility, adherence to university policy and fairness in wording,” and ensure that the measure has the support of 750 undergraduate students. On February 19, 2015, SJP submitted the referendum form to the student executive board for approval.<sup>243</sup> The next day, student body president Noah Carville sent a three-page memo to SJP stating that the cabinet had unanimously denied its request to put the referendum on the ballot out of concern that doing so would create a “hostile, threatening, intimidating, or abusive environment” for Northeastern students and “pose a risk to the safety of the undergraduate student community.”<sup>244</sup>

On March 2, 2015, a student government parliamentarian notified SJP that the student senate had decided to allow the referendum to go forward, noting that the constitution only allowed the senate—not the cabinet—to block referendums from placement on the ballot.<sup>245</sup> SJP proceeded to collect signatures from undergraduate students for their petition in support of putting the referendum on the ballot, collecting over 900.

Amid continued calls to prevent the student body from voting, on March 12, Palestine Legal, the ACLU of Massachusetts, CCR, and

the National Lawyers Guild (NLG) of Massachusetts sent a letter to the student body president urging the student government to resist calls to suppress student democracy by preventing the student body from voting on the divestment referendum.<sup>246</sup> The letter rejected claims of antisemitism and warned of the risks of restricting “the discussion of human rights and international law likely to be engendered by the referendum proposed by SJP.” More than thirty Boston-area community organizations and 5,000 people from across the country signed petitions urging the student government to allow the referendum to appear on the ballot.

At the same time, the regional director of the Anti-Defamation League (ADL) urged student government members to bar the student body from voting on SJP’s divestment referendum, calling it a “simplistic” and “one-sided” approach that would contribute to making “Jewish, pro-Israeli students feel isolated and besieged.”<sup>247</sup> Northeastern’s Hillel also urged people to reach out to student government senators “and ask them to vote no” to allowing the referendum to be placed on the ballot.<sup>248</sup>

On March 16, 2015, after a three-hour hearing, the student government voted not to put the referendum on the ballot.<sup>249</sup> Students told Palestine Legal that senators expressed concern that the referendum would displease donors and lead to an increase in antisemitism on campus.<sup>250</sup>

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## Ohio University

### Student body president receives death threats for pro-BDS video

Incident Date: September 2014

Location: Athens, OH

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In September 2014, Ohio University’s student body president, Megan Marzec, received death and rape threats after posting a video of herself taking a “blood bucket challenge,” in which she dumped fake blood on her head to protest Israel’s treatment of Palestinians and in support of BDS.<sup>251</sup> Marzec’s action came in response to an August 2014 “ice bucket challenge” by Ohio University president Roderick McDavis as part of a campaign to raise money for research on ALS (Lou Gehrig’s disease), where participants pledge a donation, make videos of themselves dumping buckets of ice water on their heads, and then challenge others to do the same.

Marzec soon received thousands of hate messages, including death and rape threats. The university advised Marzec to go into protective housing and not walk alone, and offered a police escort. The university also informed Marzec that President McDavis had also received death threats.<sup>252</sup>

On September 4, two days after Marzec posted the video, President McDavis issued a statement distancing the university from Marzec’s message and emphasizing the need for “civility” in discussions about Israel/Palestine.<sup>253</sup>

Students active with Hillel and Bobcats for Israel, a campus Israel advocacy group, along with other national and international Israel advocacy groups, began calling for Marzec’s resignation as student body president.<sup>254</sup> In February 2015, campus police arrested four students with Bobcats for Israel for interrupting a student senate hearing, calling for Marzec’s resignation. The students faced fourth-degree misdemeanor charges for disturbing a lawful meeting after they refused to plead guilty to lesser charges, which were later dismissed on procedural grounds.<sup>255</sup>

Campus rabbi Danielle Leshaw, who also serves as executive director of the campus chapter of Hillel, wrote an open letter to Marzec calling for her resignation, stating that Marzec's video:

makes Jewish parents want to bring their kids back home to the safety of the Jewish suburbs. It makes alumni want to pull their funding. It makes Jewish organizations call and demand that we do more. It makes people threaten, and when we don't comply and do exactly what they say, they threaten some more.<sup>256</sup>

Dozens of Ohio University faculty signed a statement supporting Marzec and raising concerns that the invocation of 'civility' "functions to silence dissent and debate on issues of current concern."<sup>257</sup> Palestine Legal also wrote to Ohio University administrators, advising them of their obligation to protect Marzec and others who speak out for Palestinian rights against groups that falsely allege antisemitism and call for sanctioning individuals based on First Amendment protected activities.<sup>258</sup>

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## **Purdue University**

### **University subjects SJP to bureaucratic scrutiny for mock-checkpoint actions**

Incident Date: 2011

Location: West Lafayette, IN

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In 2011, Purdue University officials subjected SJP students to burdensome and discriminatory bureaucratic scrutiny. Students for Justice in Palestine (SJP) members set up mock-checkpoints on campus to demonstrate the constraints Israel places on Palestinians' freedom of movement. Students told Palestine Legal that after the first checkpoint action, university administrators requested documentation beyond the regular requirements for student event approval when SJP wanted to set up another mock checkpoint.<sup>259</sup> Administrators requested evidence that Israeli checkpoints violate Palestinian human rights, the scripts checkpoint actors would use, and the names and phone numbers of all participating students. In meetings with administrators after the event, one administrator compared the theatrical demonstration's reenactment of the abuse Palestinians experience at checkpoints to a mock lynching put on by a white supremacist organization. As a result of the burdensome approval process, the group opted not to organize another checkpoint in the 2012–13 academic year. Students said that because of the obstacles administrators had imposed upon them, they preferred to organize off campus.<sup>260</sup>

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## **Rutgers University**

### **Flotilla fundraiser draws allegations of supporting terrorism**

Incident Date: November 2010

Location: New Brunswick, NJ

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In the fall of 2010, Hillel and the Anti-Defamation League (ADL) alleged that a student fundraiser for the Gaza Flotilla violated federal law and constituted support for terrorism.

BAKA (Belief, Awareness, Knowledge and Action), a student organization at Rutgers University's main New Brunswick campus, organized a November fundraiser to support the US boat to Gaza, part of the Flotilla, which aimed to break the siege and blockade of

Gaza.<sup>261</sup> As early as September 2010, Hillel and the ADL notified Rutgers's student allocation committee, the university president, and the chief legal counsel that the event, funded by the university, could violate federal law.<sup>262</sup> Although raising funds for a 501(c)(3) tax-exempt organization, as per university requirements, the fundraiser came under attack by Hillel, which claimed that the proceeds would fund a designated Foreign Terrorist Organization and thereby constitute material support for terrorism. Hillel further alleged that the flotilla, and planning events supporting it, violated the Neutrality Act, which makes it a felony for private citizens to undertake naval expeditions against friendly nations.<sup>263</sup>

CCR advised the students that the US boat to Gaza, and therefore their fundraiser, did not violate federal or international law.<sup>264</sup> CCR's memo clarified that material support laws "prohibit only knowing provision of material support to specifically designated groups or individuals." It also referred to international legal principles and analyses that illustrate the illegality of the Israeli blockade and the legality of the flotilla itself, which "falls within . . . the right of the participants to freedom of expression, freedom of association and political participation."

Rutgers University ultimately prevented the organizers from donating the money they raised to the designated nonprofit organization supporting the flotilla.<sup>265</sup> For two years, the university refused to disburse the funds raised to several alternative beneficiaries the students identified. Instead, in 2012, the university eventually disbursed funds to the organization American Near East Refugee Aid (ANERA), in defiance of the students' and donors' intention to support the Gaza Flotilla.<sup>266</sup> During those two years, Israel advocacy groups filed complaints with the Department of Education (DOE) about subsequent events by BAKA, which led authorities to investigate Rutgers (see below).

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## **Rutgers University**

### **Title VI complaint targets "Never Again" event**

Incident Date: January 2011–September 2014

Location: New Brunswick, NJ

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In July 2011 the Zionist Organization of America (ZOA) filed a complaint with the Department of Education (DOE), alleging that recent events on Palestinian human rights had created a hostile environment for Jewish students.

In early January 2011, Israel advocacy groups objected to an event titled "Never Again for Anyone," organized by the International Jewish Anti-Zionist Network (IJAN) and American Muslims for Palestine (AMP) and endorsed by several Rutgers student groups, including BAKA (Belief, Awareness, Knowledge and Action),<sup>267</sup> which featured speeches by Holocaust survivors and a Nakba survivor. Opponents of the event publicly accused BAKA of antisemitism<sup>268</sup> and the ADL denounced the event as "a tool to demonize Israel."<sup>269</sup> Rutgers Hillel, a local synagogue, and Jewish Federation chapters in the area sent alerts to their members urging them to protest the event.

The evening of the event, pro-Israel protestors physically assaulted event volunteers and called them "towelheads" and "suicide bombers," among other sexist, racist, and homophobic slurs. A Jewish volunteer reported being called a "traitor" and several students faced cyberbullying after the event via email and on Facebook.<sup>270</sup> Campus police delayed the event for over an hour because of the protests.<sup>271</sup>

Because of last-minute changes to the contract from the university, as well as university-imposed security fees, endorsers of the event charged a last-minute fee to attendees,<sup>272</sup> which StandWithUs and

other groups falsely claimed organizers had levied only on Jewish and pro-Israel individuals.<sup>273</sup>

In April 2011, the ZOA threatened Rutgers with a Title VI complaint to the Department of Education (DOE), arguing that BAKA's events demonized Jews and created a hostile, antisemitic environment for Jewish students.<sup>274</sup> The letter claimed that, in order for the university to comply with DOE policy, it needed to "publicly [label] and [condemn] anti-Semitism when it occurs on campus, including when it is expressed as anti-Zionist or anti-Israel sentiment that has the effect of promoting prejudice against or hatred of Jews," and to investigate several incidents, including the "Never Again" event.<sup>275</sup>

Rutgers explained that it had adequately responded to and investigated the incidents, noting that administrators had met with concerned Jewish campus and community groups and leaders, including Hillel and rabbis in the community, and that it had barred IJAN, one of the "Never Again" event organizers, from using university facilities until January 2012.<sup>276</sup>

In July 2011, ZOA filed a complaint with the DOE requesting an investigation into violations of Title VI of the Civil Rights Act at Rutgers for tolerating an environment hostile to Jewish students. The complaint identified several incidents, including the alleged admission fee for Jewish and pro-Israel attendees at the "Never Again" event, online threats a pro-Israel student claimed to have received, and anti-Israel bias in the Middle East studies program. Rutgers rebuffed ZOA's allegations as "factually inaccurate and significantly distorted"<sup>277</sup> and argued that they did "not reflect the true environment of inclusiveness and a free exchange of ideas that exists at Rutgers University."<sup>278</sup>

Three years later, in September 2014, the DOE dismissed the complaint, holding that the incidents grew out of political disagreements and not racial, ethnic, or religious bias, and that it could not corroborate the facts alleged in the complaint.<sup>279</sup> Regarding the "Never Again" event, DOE stated that "the evidence failed to substantiate any specific incidents in which the fee requirement was imposed unequally on Jewish or non-Jewish attendees."<sup>280</sup>

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## Rutgers University

### SJP falsely accused of antisemitism for mock eviction flyering

Incident Date: October 2013  
Location: New Brunswick, NJ

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In October 2013, Rutgers New Brunswick Hillel falsely accused the Students for Justice in Palestine (SJP) chapter on campus of "targeting Jewish students" when it posted mock eviction notices in student dorms to raise awareness about the demolition of Palestinian homes.<sup>281</sup> Students clearly identified the notices as fake and distributed them randomly, taking special precautions to avoid predominantly Jewish housing.<sup>282</sup> The university conducted its own investigation, and found that while the students violated a housing policy on posting flyers, they did not target Jewish students.<sup>283</sup> The Rutgers Bias Committee rejected a student complaint regarding the mock eviction notices, noting that the incident did not constitute bias. Although Hillel maintains that it did not file any complaints, press identified the student who filed the bias complaint as a student employed as Hillel's Israel advocacy co-chair.<sup>284</sup>

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## San Diego State University

### Divestment referendum ballot excludes pro-BDS statement

Incident Date: April 2015  
Location: San Diego, CA

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In a student referendum on divestment at San Diego State University (SDSU) in April 2015, the student Elections Committee excluded from the ballot a statement in support of the initiative, apparently as punishment for minor election-rule violations by divestment proponents. The ballot asked students whether they support divestment of university funds from companies profiting from the Israeli occupation of Palestine—yes or no—and then included an opposition statement persuading voters to vote "no."<sup>285</sup> The committee permitted divestment supporters to provide a short rebuttal to the "no" statement, but not to submit a separate statement in favor of divestment.<sup>286</sup>

The Elections Committee imposed this sanction after receiving complaints from students opposed to the referendum alleging that divestment proponents had posted too many flyers, misused the university logo, and emailed professors about the referendum in violation of the Elections Code. Students opposed to the referendum also tried to block the statement by branding it antisemitic. SDSU Divest Coalition appealed the decision to exclude the "yes" statement, arguing that the sanction deprived students of a fair opportunity to consider the arguments for and against the referendum, thereby prejudicing the outcome and undermining the democratic process. Campus authorities denied their appeal.<sup>287</sup>

Students in the SDSU Divest Coalition reported to Palestine Legal that they believed their pro-divestment message triggered an unprecedented, disproportionate, and heavy-handed response by the Elections Committee to minor rule violations.<sup>288</sup>

Despite the sanction, the majority of voting students (53 percent) voted in favor of divestment.<sup>289</sup> The percentage, though, fell short of the supermajority required to pass the referendum officially.

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## San Francisco State University

### AMCHA accuses student group of supporting the murder of Jews

Incident Date: November 2013  
Location: San Francisco, CA

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The AMCHA Initiative accused the student group General Union of Palestinian Students (GUPS) of supporting the murder of Jews after a November 2013 event celebrating the sixth anniversary of a community mural honoring the late Palestinian-American scholar Edward Said.<sup>290</sup> At the event, students from GUPS and an indigenous rights student group set up a table for passersby to make signs and brought stencils. One of the stencils read, "My heroes have always killed colonizers," a phrase which students adopted from community events featuring stories of global Indigenous resistance to colonization, in particular the genocide of Native Americans by European colonizers.

The AMCHA Initiative accused the event's student organizers of "glorifying the murdering of Jews,"<sup>291</sup> calling the stencil a threat to Jewish students on campus, and launched a media campaign demanding that the university investigate and punish the students. The

university initially issued a statement condemning the students' speech and implicitly supporting AMCHA's charges.<sup>292</sup> After a community outcry,<sup>293</sup> the university issued a second statement emphasizing "that social justice is a strategic priority and our commitment to free speech runs deep."<sup>294</sup> AMCHA has repeatedly referenced the stencils in order to try to demonstrate a pattern of antisemitism on campus that threatens the safety of Jewish students and, in particular, to vilify GUPS's faculty advisor, SFSU professor Rabab Abdulhadi.<sup>295</sup>

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## San Francisco State University

### AMCHA accuses scholar of meeting with terrorists

Incident Date: March—August 2014

Location: San Francisco, CA

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In March 2014, the AMCHA Initiative launched a campaign asking San Francisco State University (SFSU) to investigate Palestinian professor Rabab Abdulhadi.<sup>296</sup> After returning from travel to Palestine and Jordan in January 2014, Professor Abdulhadi organized a campus event to discuss her trip, her research, and the firsthand experiences of Palestinians living under occupation.<sup>297</sup> AMCHA argued that Professor Abdulhadi's event threatened the safety of Jewish students and contributed to a "hostile environment."<sup>298</sup>

In May, AMCHA accused Professor Abdulhadi of misrepresenting the nature and purpose of her trip and abusing taxpayer funds to meet with "known terrorists."<sup>299</sup> SFSU reviewed the facts and concluded that AMCHA's allegations had "no merit."<sup>300</sup> The record, including documents AMCHA cited, demonstrated transparency and accuracy in Professor Abdulhadi's application for travel authorization. As SFSU confirmed, Professor Abdulhadi correctly reported the purpose of her trip: to attend an international conference, meet with diverse figures in Palestinian society as part of her scholarly research, and collaborate with potential university partners toward a possible memorandum of understanding between SFSU and Palestinian universities.<sup>301</sup> She carried out these activities as planned, though university-imposed delays in approving travel to "high-risk" countries prevented her from attending the conference.<sup>302</sup>

After a wave of public support for Professor Abdulhadi, SFSU president Leslie Wong issued a statement: "Professor Abdulhadi's academic work in race and resistance studies requires examination of some of the world's most challenging and controversial issues. San Francisco State University will continue to respect academic freedom, and we will not censor our scholars nor condone censorship by others."<sup>303</sup>

Even after SFSU rejected AMCHA's allegations, AMCHA continued its campaign, reciting its accusations in a June 24, 2014, complaint to the California State Controller's office requesting an investigation.<sup>304</sup> Palestine Legal, CCR, and other groups wrote the Controller, emphasizing that AMCHA's complaint relied on "spurious and politically motivated allegations that have already been dismissed by SFSU administrators."<sup>305</sup> The letter also contextualized AMCHA's ongoing efforts to intimidate and silence those with whom it disagrees politically.<sup>306</sup> The Controller's office took no action on the complaint.

In August 2014, SFSU audited Dr. Abdulhadi's international travel for the previous five years, despite having already found AMCHA's charges baseless. SFSU notified her that, "to conduct a more thorough review and to show the university's due diligence, we expanded the review to include international travels you made since [2009]."<sup>307</sup> Dr. Abdulhadi reported to Palestine Legal that this unprecedented action had taken a significant toll on her.<sup>308</sup> She outlined the consequences in a May 2015 letter to the SFSU Academic Senate in which she called

for action to remedy the harm to academic freedom:

Because the university administration sat on its hands for seven months while AMCHA continued to publicize its false accusations, I spent my 2014 sabbatical responding to those attacks and providing support and reassurance to my students whose learning environment was severely disrupted by the intensity and malevolence of AMCHA's attempt to destroy our program [the Arab and Muslim Ethnicities Diasporas initiative] and implicitly brand them, by association with me, as potential "terrorists." As a result I was unable to work on the book I had planned to write during my sabbatical and am now behind schedule in completing the research and publications necessary to advance to a full professorship.<sup>309</sup>

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## San Jose State University

### AMCHA calls for probe of educational workshop

Incident Date: April 2013

Location: Stanford, CA

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In April 2013, the AMCHA Initiative called on San Jose State University to investigate an educational workshop organized by its Middle East studies program titled "Peacebuilding, Nonviolence, and Approaches to Teaching the Israeli-Palestinian Conflict."<sup>310</sup> Comparative literature professor Persis Karim organized the workshop for high school teachers and community college faculty to explore ways of teaching the Israeli-Palestinian conflict to allow students to understand it more fully.<sup>311</sup> The workshop received funding from the United States Institute of Peace, an independent institution funded by Congress.

AMCHA objected that the workshop failed to provide a sufficiently "balanced" view of the conflict, thereby violating United States Institute of Peace funding guidelines and federal funding requirements under the Higher Education Act.<sup>312</sup> In particular, it claimed that none of the workshop speakers "will present the Israeli narrative, and that some may even make presentations which demonize and delegitimize Israel."<sup>313</sup> AMCHA further noted that Karim harbored anti-Israel views and that other university departments had sponsored anti-Israel events, such as a lecture about "the difficulty of life under Israeli 'occupation' for Palestinians in the West Bank."<sup>314</sup> In addition to its complaint, AMCHA submitted public records requests to review the university's support for the event and initiated an online pressure campaign against the university.<sup>315</sup>

Although the university opted not to interfere with the workshop, it also chose not to publicly defend the event or Professor Karim's academic freedom, despite requests from Karim herself and the Academic Freedom Committee of the Middle East Studies Association of North America.<sup>316</sup>

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## Stanford University

### Students of Color Coalition accused of antisemitism

Incident Date: April 2015

Location: California

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In April 2015, Israel advocacy groups falsely accused the Students of Color Coalition (SOCC) at Stanford University, which supported

a campus divestment resolution that passed in the student senate in February, of contributing to an antisemitic campus environment. Six Stanford student organizations—the Black Student Union, MeChA, the Muslim Students Awareness Network, NAACP, the Stanford American Indian Organization and the Asian American Students Association—make up the SOCC coalition.

The divestment resolution, which called for divestment from multinational corporations complicit in human rights abuses in Palestine, passed 10–1 with four abstentions during a revote on February 16, 2015, a week after it had fallen two votes short of the required two-thirds threshold (9–1 with five abstentions).<sup>317</sup> The resolution specifically called for divestment from companies “maintaining the illegal infrastructure of the Israeli occupation,” “facilitating Israel and Egypt’s collective punishment of Palestinian civilians,” and “facilitating state repression against Palestinians by Israeli, Egyptian or Palestinian security forces.”<sup>318</sup> In a statement after the vote, Stanford Out of Occupied Palestine, a coalition of nineteen student groups, including all of the SOCC constituent groups, who came together to support divestment, lauded the “immense student support” for the campaign, including the more than 1,600 Stanford students who signed the divestment petition.<sup>319</sup>

During the student election season that followed divestment, a Jewish candidate for the student senate named Molly Horwitz accused SOCC of antisemitism after SOCC members questioned her about her position on divestment during an endorsement interview.<sup>320</sup> Horwitz, who publicly opposed divestment, alleged that a SOCC representative asked her during her interview, “Given your Jewish identity, how would you vote on divestment?” SOCC strongly rejected the uncorroborated allegation, offering nine witnesses who participated in the Horwitz interview to dispute her claim.<sup>321</sup>

The *Stanford Review*, a conservative student newspaper with a long history of attacking SOCC and other progressive groups, also accused SOCC of asking endorsed candidates to sign a contract promising not to associate with Jewish groups.<sup>322</sup> SOCC immediately released its endorsement contract, which contained no such language.<sup>323</sup>

The Anti-Defamation League (ADL) wrote to Stanford, claiming that student debate about divestment from Israel created a divisive environment that bred antisemitism and resulted in the allegedly biased questioning of Horwitz.<sup>324</sup> The *New York Times* featured these allegations in a major investigative piece on April 15, despite reporters’ inability to corroborate them.<sup>325</sup> The *New York Times* piece also repeated the narrative that campus debate about divestment contributes to an antisemitic campus environment.<sup>326</sup> Other media sources picked up on the story, subjecting SOCC to days of public scrutiny.

The day after the *New York Times* ran its story, the Stanford Board of Trustees announced that it would not act on or even evaluate the divestment request, highlighting its “divisiveness.”<sup>327</sup> On April 16, Stanford provost John Etchemendy told a faculty senate meeting that he had become “increasingly distressed by the tenor of discourse on campus,”<sup>328</sup> citing Israel–Palestine as an example. These characterizations starkly contrasted with the public statements by the diverse student coalition supporting divestment, which consistently focused on corporate conduct that abuses human rights and violates international law.<sup>329</sup>

SOCC continued to face intense pressure. On April 17, Stanford’s Constitutional Council voted to hear a case brought by the *Stanford Review* demanding that SOCC make public its private notes from its endorsement interviews under the student government constitution’s freedom of information provision.<sup>330</sup> On April 20, the student government’s financial manager notified SOCC that he had placed all its constituent groups on probation and had frozen their

funds pending the outcome of the hearing.<sup>331</sup> The student senate, though, reversed the freeze on April 21 and SOCC prevailed in the Constitutional Council case in a unanimous decision (4–0, with one abstention).<sup>332</sup> SOCC interpreted this unprecedented disparate treatment as punishment for its political positions on divestment and other issues.<sup>333</sup>

Three weeks later, members of a Jewish fraternity at Stanford discovered swastika graffiti on their fraternity house.<sup>334</sup> Media reports quickly made the connection to divestment and the Horwitz incident, despite no evidence supporting such a connection.<sup>335</sup> The president of the Stanford Israel Association commented, “I don’t want to speculate to the cause of the vandalism, but after divestment, there has been a rise in hostility towards Jewish communities.”<sup>336</sup> On June 24, police arrested a nineteen-year-old suspect with no apparent connection to the Stanford campus or the Israel/Palestine issue, whom they accused of painting the swastikas.<sup>337</sup>

In April, in the wake of the swastika vandalism, the AMCHA Initiative wrote to Stanford demanding that the university adopt the State Department’s definition of antisemitism—a redefinition that would define divestment and other advocacy for Palestinian rights as antisemitic.<sup>338</sup>

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## Swarthmore College

### Campus Hillel chapter changes name after legal threat from parent organization

Incident Date: March 2015

Location: Swarthmore, PA

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In March 2015, Hillel International threatened legal action after Swarthmore Hillel announced plans to host an event critical of Israeli policy and supportive of BDS.<sup>339</sup> The event, part of a tour organized by the Open Hillel Movement entitled “Social Justice Then and Now: Lessons from the Civil Rights Movement,”<sup>340</sup> featured Jewish civil rights veterans Ira Grupper, Mark Levy, Larry Rubin, and Dorothy Zellner, who planned to make connections between their work in the Jim Crow South and activism around Israel/Palestine today.<sup>341</sup>

Hillel International warned that the event violated its “Standards of Partnership” guidelines prohibiting campus Hillel affiliates from hosting speakers supportive of BDS,<sup>342</sup> and argued that the campus organization could therefore not use the copyrighted Hillel name. In a letter to Swarthmore administrators, Tracy Turoff, Hillel International vice president and general counsel, wrote that Hillel International needed “to protect its guidelines, name, and reputation” from a program in which “the speakers present or proselytize their known anti-Israel” agenda.<sup>343</sup>

In response, student leaders voted 7–3 to formally disassociate with Hillel and change the group’s name to Swarthmore Kehilah, which means “community” in Hebrew.<sup>344</sup>

One year prior, in December 2013, the group, then still known as Swarthmore Hillel, had declared itself part of the “Open Hillel” movement, defining itself as “a religious and cultural group whose purpose is not to advocate for one single political view, but rather to open up space that encourages dialogue within the diverse and pluralistic Jewish student body.”<sup>345</sup> Open Hillel, a national student-run campaign “to encourage inclusivity and open discourse at campus Hillels,”<sup>346</sup> seeks to change the “standards of partnerships” in Hillel International’s guidelines and to end the exclusion of Jewish students who question Israeli policy. Hillel International CEO and president

Eric Fingerhut described rejection of the Campus Israel Activities Guidelines as “not acceptable,” proclaiming that “anti-Zionists’ will not be permitted to speak using the Hillel name or under the Hillel roof, under any circumstances.”<sup>347</sup>

In a March 2015 statement on “Hillel International’s Legal Threats Against Swarthmore Hillel,” the Open Hillel Movement wrote, “Rather than empower young Jews who are working to create meaningful programming, Hillel International has tried to bully them into silence. As students involved in our Hillels around the country, we demand an immediate halt to any attempts to legally blackmail our peers and ask that supporters of openness in the American Jewish community join us in actively expressing our shame in Hillel International’s actions.”<sup>348</sup>

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## Temple University

### Israel advocacy groups call for SJP removal after altercation

Incident Date: August 2014

Location: Philadelphia, PA

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In August 2014, Israel advocacy organizations called for the removal of Students for Justice in Palestine (SJP) from Temple University after a physical altercation broke out beside an SJP table at a large student organization fair.

The incident began when Daniel Vessal, a student and campus fellow for the right-wing, pro-Israel media watchdog organization CAMERA,<sup>349</sup> approached the SJP table and made racist comments, including calling the SJP students “terrorists” and “Hamas.”<sup>350</sup> Vessal returned to the table numerous times, despite being asked to leave by four SJP members, who felt harassed.<sup>351</sup> Vessal then engaged in a contentious conversation with another visitor to the table, who slapped Vessal. SJP issued a statement condemning the incident, explaining that although its members witnessed the incident, they were not responsible, as the student who slapped Vessal was not a member of the group.<sup>352</sup>

Vessal nevertheless blamed SJP, further alleging that SJP students had used antisemitic slurs against him,<sup>353</sup> which SJP firmly denied.<sup>354</sup> Hillel of Greater Philadelphia demanded that Temple hold SJP responsible,<sup>355</sup> and a Facebook group formed entitled “Demand the Removal of SJP from Temple University.”<sup>356</sup>

Jewish Voice for Peace of Philadelphia wrote a statement in support of Temple SJP, “expressing deep concern that the incident is being manipulated by pro-Israel groups in an attempt to smear the reputation of Temple SJP and suppress their campus activities” and stating that SJP members “have been consistent in their condemnations of anti-Jewish racism. . . . We find the accusations of anti-Semitism leveled against the group to be far-fetched, to say the least.”<sup>357</sup>

The university investigated the incident and decided not to take action against SJP. The individual who slapped Vessal faced charges of simple assault, though the prosecutor declined to prosecute it as a hate crime because, based on the victim’s own statement and those of witnesses, “they did not believe this victim was assaulted because of religion, race or ethnicity.”<sup>358</sup>

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## University of Arizona

### Mock border wall vandalized

Incident Date: March–April 2011

Location: Tucson, AZ

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In March, 2011, vandals destroyed a large mock border wall at the University of Arizona (UA), which had been erected by student activists with the chapter of Jewish Voice for Peace (JVP) and the immigrant-rights group No Mas Muertes (No More Deaths). Students assembled the nearly 1,000-foot-long mock border wall on March 21, 2011, in the middle of the UA campus, partially blocking movement across it.<sup>359</sup> Made of wire fencing and decorated with posters, the structure represented the wall on the US–Mexico border and Israel’s “separation barrier” in the West Bank.<sup>360</sup> The organizers provided boards near the wall for people to express differing opinions.<sup>361</sup> Organizers planned to leave the wall in place for ten days.<sup>362</sup>

Early on March 26, a UA campus police officer reported that the entire Palestinian-themed section of the mock wall had been uprooted, with the posters torn away and steel poles and loose wire strewn across the nearby roadway.<sup>363</sup> In a joint statement, several campus organizations, including JVP, No Mas Muertes and SJP, urged the dean of students to acknowledge the vandalism and denounce it as a racially motivated hate crime.<sup>364</sup>

The following day, organizers found that the section representing the border wall between Mexico and the US had also been vandalized. Vandals ripped down posters and signs on that section and nailed an effigy of a murdered immigrant to the fence, with blood crudely painted on the mock corpse.<sup>365</sup>

Organizers again urged the administration to investigate both incidents as potential hate crimes. The dean’s office instead determined that the vandalized sections of the wall constituted safety hazards and directed a fence company to remove those sections, leaving only half of the wall standing for the full ten days. The dean stated that his office did not investigate the vandalism because organizers had not immediately filed complaints, although students said they filed complaints shortly after the dean’s initial statement. The organizers also filed two police reports, one for each incident, but never heard from the UA police on the status of any investigation. Rather than address the vandalism, UA instituted a new policy in January 2012 limiting the size and duration of similar structures on campus.<sup>366</sup>

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## University of California system

### “Campus climate” report claims Palestine activism hostile to Jewish students

Incident Date: 2010–14

Location: California

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A 2012 campus climate survey commissioned by the University of California (UC) system echoed the claim regularly put forward by Israel advocacy groups that Palestine activism creates a hostile environment for Jewish students and that university should therefore punish “antisemitic speech,” including criticism of Israel.

Pressured by Israel advocacy groups to regulate Palestine activism on campus and confronted with several racist, homophobic, and antisemitic incidents, the statewide administrators of the University of California system formed a Campus Climate Advisory Council in 2010. As its first order of business, the council commissioned two

taskforces to study the campus climate: one focusing on the grievances of Jewish students and the other on those of Arab and Muslim students.<sup>367</sup> Although ostensibly created to assess the climate for all minority groups on UC campuses, the council initially only formed these taskforces and did not publicly report on the grievances of other minority or religious groups.<sup>368</sup>

Alice Huffman, president of the California National Association for the Advancement of Colored People (NAACP), and Richard D. Barton, national education chair of the Anti-Defamation League (ADL), visited campuses to interview Jewish students during the 2011–12 academic year and published their findings in July 2012.<sup>369</sup> The report found that Palestinian rights activism created “an environment in which [Jewish students] feel isolated and many times harassed and intimidated” and a campus climate generally hostile for Jewish students.<sup>370</sup> It recommended enacting university policies to punish speech critical of Israel and applied an overbroad redefinition of antisemitism, referred to then as the “European Union working definition,” but now known as the “State Department definition.” The redefinition defines common forms of criticism of Israel as antisemitic. In 2015, Israel advocacy organizations lobbied the UC Regents to adopt this definition of antisemitism.

A number of groups protested the report, pointing out its methodological flaws, its factual misrepresentations, and the constitutional issues its recommendations raised.<sup>371</sup> Its survey consisted of a series of meetings with handpicked students, who offered unsubstantiated and anecdotal evidence.<sup>372</sup> The report omitted the views of Jewish students who visited with the fact-finding team and expressed dismay at their exclusion from Jewish community groups on campus because of their criticism of Israel.<sup>373</sup> The report also included erroneous factual “findings,” such as a claim that “the use of the swastika drawn next to, or integrated with, the Jewish Star of David is commonplace” on signs at protests.<sup>374</sup> Jewish students disputed the veracity of these claims.<sup>375</sup> While campus officials have addressed reported incidents of swastika graffiti, there is no evidence linking these incidents to Palestine rights activism.<sup>376</sup>

More than 2,200 students, faculty, and alumni—many of them Jewish—signed a petition asking UC president Yudof to set the report aside.<sup>377</sup> The University of California ultimately declined to adopt the report’s recommendations, which Yudof noted would violate the First Amendment,<sup>378</sup> and removed the report from its website.

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## University of California system

### State law denounces Palestine activism

Incident Date: 2012

Location: California

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Shortly after the publication of the campus climate report (see above) in August 2012, the California State Legislature unanimously passed a nonbinding resolution known as HR 35, which praised the report and urged the university to adopt its recommendations.<sup>379</sup> HR 35 further recommended that the University of California (UC) adopt the “European Union Agency for Fundamental Rights’ working definition of anti-Semitism”—now known as the “State Department definition”—a redefinition of antisemitism that includes criticism of Israel. Legislators pushed HR 35 through quickly, and several later told constituents that they had not reviewed the bill’s contents before voting on it.<sup>380</sup>

The resolution’s author, Republican assembly member Linda Halderman, told press that President Yudof’s office, the California State University administration, and the Simon Wiesenthal Center

“were all very involved in terms of drafting language and amending it to make sure that it protected the rights of free speech for students.”<sup>381</sup> While Yudof’s office suggested excluding the recommendation that UC refrain from funding student groups that criticize Israel, based on First Amendment concerns,<sup>382</sup> the language remained in the resolution. UC ultimately chose not to support the resolution, though Yudof made his prior knowledge of and initial support for the resolution clear in a letter to its author.<sup>383</sup>

HR 35’s passage provoked an outcry from students,<sup>384</sup> faculty,<sup>385</sup> and free-speech advocates, including CCR and Palestine Legal,<sup>386</sup> who denounced the mischaracterization of facts about Palestine advocacy on UC campuses and the resolution’s unconstitutional recommendations. CCR and Palestine Legal, together with other rights groups, wrote to Yudof to contextualize the allegations of antisemitism and hostility to Jewish students, noting that Israel advocacy groups have long sought to shut down Palestinian solidarity activism across the UC system.<sup>387</sup> The letter also detailed how UC administrators have repeatedly condemned speech critical of Israel, conflated it with antisemitism and labeled it as hateful or threatening, thereby stigmatizing and chilling the speech of Palestine advocates on campus.

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## University of California system

### Graduate student divestment campaign draws legal threats

Incident Date: July – December 2014

Location: California

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As graduate student workers and union members at the University of California (UC) considered endorsing a BDS resolution, Israel advocacy groups threatened to sue the union and prohibit graduate student instructors from discussing BDS in the classroom.

The United Auto Workers (UAW) Local 2865, a union representing 13,000 graduate student instructors at the University of California, passed the resolution in a December 2014 vote, which made the UAW the first major labor union in the United States to support BDS.<sup>388</sup> Sixty-five percent of voting members voted for the resolution, which also called on the UC and the international UAW to divest. Fifty-two percent of voting members, 1,136 individual graduate students, also voted to take an individual anonymous pledge to support the academic boycott of Israel. The union membership’s endorsement came on the heels of a July 2014 vote by union leadership to issue a general statement in support of BDS.<sup>389</sup>

The campaign triggered significant backlash. Political opponents argued that the resolution constitutes unlawful discrimination and violates university policy. An opposition group named Informed Grads argued that “BDS is potentially illegal” and claimed the union could face a legal challenge, as the American Studies Association had when it endorsed BDS.<sup>390</sup> The group also circulated a letter to the president of the International UAW claiming that an academic boycott “bars people with Israeli citizenship from joining the union.”<sup>391</sup> These accusations mischaracterized the resolution, overlooked the union’s emphatic statement of opposition to all forms of discrimination, and ignored the union’s explanation that the boycott targets institutions, not individuals.<sup>392</sup>

Shortly before the vote, the American Center for Law and Justice—a right-wing organization known for its anti-gay and pro-Israel agenda<sup>393</sup>—sent a letter to the local union leadership, the International UAW, and the University of California alleging violations of discrimination law, union law, and university policy.<sup>394</sup> The letter threatened legal action, including “individual liability” for

union leaders. In response, Palestine Legal issued a public fact sheet providing information about the First Amendment's protection of boycotts and countering claims that a boycott against academic institutions is discriminatory.<sup>395</sup>

Off-campus organizations like the AMCHA Initiative and the Brandeis Center also demanded that the statewide university administration prohibit graduate student instructors from advocating for BDS or discussing Israel as a settler colonial or apartheid state in the classroom.<sup>396</sup> The AMCHA Initiative generated "over a hundred emails," according to a September 2014 letter from the UC provost to the chancellors of all nine UC campuses, complaining that the union's activity supporting BDS violated UC policy on acceptable classroom discussion and calling for monitoring and censorship of BDS activities.<sup>397</sup> The letter also enumerated policies that govern the conduct of graduate student instructors in the classroom and appended a communication from AMCHA and several other Israel advocacy organizations, but failed to provide analysis or qualification of the AMCHA letter, suggesting that campuses should heed its call. One graduate student reported removing relevant course material on Israel/Palestine out of concern that he could face sanction if he discussed the subject.<sup>398</sup>

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## University of California, Berkeley

### Israeli Consul and national groups interfere in campus divestment debate

Incident Date: 2010

Location: Berkeley, CA

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During UC Berkeley's 2010 student senate debate on divestment, Israel advocacy groups and the Israeli consulate lobbied administrators, harassed students, and made false accusations of antisemitism in an effort to defeat the initiative. In March 2010, UC Berkeley's student senate passed a bill calling on the university to divest from companies that facilitate and profit from the occupation of Palestinian territory. The bill passed 16–4 after a six-hour discussion that included testimony from eighty speakers.<sup>399</sup> The student body president, who did not attend the debate,<sup>400</sup> vetoed the bill, asserting that it took sides on a complicated issue and alienated a segment of the student community.<sup>401</sup>

The senate convened on April 14 to decide whether to overturn the veto. The Israeli consul testified at the meeting, which spanned "upward of nine hours, [with] more than four dozen speakers, and countless moments of excited applause and tense anticipation" with over 400 community members in attendance.<sup>402</sup> The senate opted to table the bill, subsequently scheduling the vote for two weeks later.<sup>403</sup> After another session in front of hundreds that went into the wee hours of the morning, the senate voted 13–5, falling one vote short of the necessary threshold to override the veto.

Berkeley Hillel coordinated what the *Jewish Daily Forward* called a "comprehensive national lobbying campaign" to combat the divestment push,<sup>404</sup> bringing in the American Israel Public Affairs Committee (AIPAC), the Anti-Defamation League (ADL), the Jewish Community Relations Council, J Street, local rabbis, and Akiva Tor, Israel's consul general in San Francisco.<sup>405</sup> The lobbying focused on managing the university's response to the divestment bill and involved frequent communication with high-level administrators, as revealed by public records. Documents show, for example, that Tor consulted with administrators about the initial divestment vote, which led them to refrain from making a public statement to avoid attracting more attention to the issue. One administrator commented that the "consulate is quite pleased with this approach." Alumni also sent a high volume of emails and letters to administrators promising

never to donate again if divestment succeeded at UC Berkeley; low-level administrators forwarded many of these emails to top university officials. After the senate vote fell short of overriding the veto, the chancellor, along with a team of high-level administrators, met with Tor and representatives of Israel advocacy organizations because Tor thought the university needed to work with them more on the issue of divestment.<sup>406</sup>

Israel advocacy groups also put out action alerts encouraging supporters to lobby student senators to oppose the divestment bill. Although the San Francisco Jewish Community Relations Council asked respondents to "please send POLITE and RESPECTFUL messages to the students (remember, they are 18–22 years old)," noting that "messages that attack the students or use profanity are NOT helpful and may harm efforts to sustain the veto,"<sup>407</sup> senators received a large number of hateful and threatening messages from anti-divestment activists.<sup>408</sup>

In the midst of the debates, AIPAC's leadership development director, Jonathan Kessler, vowed to take over student governments. When asked how to fight Berkeley's divestment initiative at a national policy conference, he said, "We're going to make sure that pro-Israel students take over the student government and reverse the vote. . . . This is how AIPAC operates in our nation's capital. This is how AIPAC must operate on our nation's campuses."<sup>409</sup>

The opposition repeatedly made false claims that divestment targeted Jewish students for being Jewish.<sup>410</sup> Hillel organized a closed-door meeting to influence student senators, during which Israel advocates told senators that it was antisemitic to compare Israel to apartheid South Africa and a "blood libel" to accuse Israel of failing to discriminate between civilians and combatants.<sup>411</sup> At the second student senate hearing, Israel advocates distributed talking points to Jewish students urging them to avoid debate on the substantive human rights issues and instead to focus on feelings of "personal attack" and attack on the Jewish community and identity.<sup>412</sup>

After the divestment hearings, Tor penned an op-ed claiming that "the anti-Semitism in the room was blatant."<sup>413</sup> Jewish Voice for Peace noted that "Mr. Tor compares the Berkeley hearings to the Moscow show trials, trials in which witnesses were detained, tortured, forced to confess to crimes they did not commit and then sentenced to death or to labor camps. He also refers to a large multi-faith group that included Christian pastors, Jews, Muslims and others as a menacing group of '100 Muslims,' thus revealing more than we could ever say about how he sees the 'other side.'"<sup>414</sup>

Advocates have repeatedly made the claim that the 2010 divestment debate at Berkeley created a hostile climate for Jewish students on campus, including in an unsuccessful Title VI complaint against UC Berkeley,<sup>415</sup> the UC campus climate report,<sup>416</sup> HR 35 (see above), and the 2013 divestment debates at Berkeley.<sup>417</sup>

In April 2013, the Berkeley student body passed a divestment resolution again, by an 11–9 vote, amid vigorous opposition in a heated all-night proceeding.<sup>418</sup> The senate president decided not to veto the resolution.

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## University of California, Berkeley

### Federal lawsuit and Title VI complaint target campus activism

Incident Date: March 2010–June 2014

Location: Berkeley, CA

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In March 2011, former student Jessica Felber sued UC Berkeley (UCB) in federal court, claiming that the university failed to protect her from a hostile and antisemitic environment on campus, in violation

of Title VI of the Civil Rights Act.<sup>419</sup> Neal Sher and Joel Siegal, attorneys who serve on the Brandeis Center's Legal Advisory Board,<sup>420</sup> represented Felber, a former fellow and staff member for Hasbara Fellowships, an organization that trains students on pro-Israel campus advocacy.<sup>421</sup> Felber amended the complaint in May 2011 to add a second plaintiff, then-student Brian Maissey.<sup>422</sup>

The lawsuit claimed that in March 2010, a student active with SJP hit Felber with a shopping cart as she held a pro-Israel sign. The lawsuit argued that UCB failed to stop speech and activity for Palestinian rights on the UCB campus, such as theatrical mock checkpoints and events critical of Israel's policies, which created a hostile climate for Jewish students. The lawsuit also falsely accused MSA of having "ties to terrorist groups including Hamas and the Muslim Brotherhood."<sup>423</sup>

The university vigorously rejected the claims in the lawsuit, including allegations that it failed to respond to complaints by Jewish students,<sup>424</sup> and asserted that SJP activities enjoy First Amendment protection and do not constitute harassment.<sup>425</sup> The student pushing the shopping cart, filled with toys collected for a donation drive for children in Gaza, also denied intentionally hitting Felber.<sup>426</sup>

The court dismissed the suit in December 2011, ruling that the actions that plaintiffs complained of, even if true, constitute "pure political speech and expressive conduct, in a public setting, regarding matters of public concern, which is entitled to special protection under the First Amendment."<sup>427</sup> The court also noted that the allegations failed to identify conduct for which the university could be held liable, including denying "access to the University's educational services in any meaningful sense."<sup>428</sup> The court granted leave to amend the complaint, since public policy encourages second opportunities,<sup>429</sup> but plaintiffs repeated the same arguments that the court had already rejected in an amended complaint.<sup>430</sup>

The parties settled in July 2012, after the judge encouraged settlement discussions.<sup>431</sup> Although UCB made no concessions and the plaintiffs gained no compensation or attorney fees, the university agreed to hold a public comment period to clarify its policies relevant to mock checkpoints, specifically those pertaining to blocking ingress and egress to university spaces and the use of imitation firearms.<sup>432</sup> That process, though, did not lead to any significant policy changes.<sup>433</sup>

On the same day in July 2012 that the federal court dismissed the lawsuit, the unsuccessful plaintiffs submitted a Title VI complaint to the Department of Education (DOE), repeating similar allegations, but escalating the rhetoric.<sup>434</sup> The complaint called Israeli Apartheid Week activities such as mock checkpoints "strikingly analogous to the infamous 'Passion Play' depicting Jews as blood-thirsty barbarians."<sup>435</sup> Felber's attorney said in a press statement that "the atmosphere that some of these Jewish kids have been subjected to is reminiscent of what went on in Nazi Germany in the '30s."<sup>436</sup>

The DOE opened a limited investigation into the complaint in September 2012, despite the federal court's dismissal of the claims. The university reiterated that the allegations were "completely unsupported" and called the complaint "an effort to tilt the field of campus discourse in favor of Complainants' preferred viewpoint on an issue of great political and public concern."<sup>437</sup> It urged the DOE to "firmly reject Complainants' invitation to become a censor of political debate in American higher education."<sup>438</sup>

The DOE dismissed the complaint in August 2013, together with complaints against UC Irvine and UC Santa Cruz. The dismissal letter stated that the main allegations "describe[d] events that constituted expression on matters of public concern directed to the University community. In the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience."<sup>439</sup>

Complainants appealed the decision in October 2013; the DOE made a final agency determination to deny the appeal in June 2014.<sup>440</sup>

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## University of California, Davis

### UC President denounces Palestine activism as intolerant

Incident Date: February 2012

Location: Davis, CA

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After a heckler unaffiliated with SJP disrupted a February 2012 event at UC Davis featuring Israeli soldiers, UC president Mark Yudof issued a public statement that compared Palestinian rights activism to the hanging of nooses on African-American students' dorm doors and drawing of swastikas on Jewish students' property.

The Israel advocacy group StandWithUs sponsored the event on February 27, 2012, entitled "Israeli Soldiers Speak Out," featuring former Israeli soldiers. The UC Davis Students for Justice in Palestine (SJP) chapter planned a silent walkout of the event in protest of the Israeli Defense Forces' military actions against Palestinians.<sup>441</sup>

In contrast to the SJP walkout, a student unaffiliated with SJP began yelling during the presentation in an effort to prevent the soldiers from speaking.<sup>442</sup> The heckler expressed anger about the violent actions of the Israeli military—for example, yelling, "How many women have you raped?"<sup>443</sup> Police eventually escorted the heckler out of the event. Some community members critical of the Israeli military remained at the event to ask questions, but audience members yelled at them whenever they tried to speak.<sup>444</sup>

As a result of his protest, the university suspended the student and he lost his campus job. Police also raided his apartment, seizing his laptop and other items. UC Davis's SJP decried this disproportionate response to a student engaged in a verbal, nonviolent protest.<sup>445</sup>

UC president Yudof, who rarely wrote public messages in response to specific campus events, penned a letter after the event to voice concern about the "intolerant" campus climate.<sup>446</sup> Yudof's statement erroneously referred to "hecklers" in the plural, when only a single heckler, acting alone, had disrupted the event. He depicted the incident as an example of antisemitism, even though the walkout protest and the hecklers' comments focused on the actions of soldiers, without criticism based on race, religion, or ethnicity. Yudof also compared Palestinian rights activism to racist incidents, like the hanging of nooses on African-American students' dorm doors or swastikas on Jewish students' property. Yudof announced that he intended to involve the Anti-Defamation League (ADL) and the Simon Wiesenthal Center's Museum of Tolerance in an effort "to improve campus climate for all students."<sup>447</sup>

In response, SJP wrote a letter clarifying that it had no involvement in the heckling and objecting to Yudof's characterization of Palestinian rights events as antisemitic and racist.<sup>448</sup> SJP also pointed to the administration's different treatment of discrimination complaints by Arab and Muslim students. The students cited in particular the university's inadequate response to vandalism targeting the Palestinian community. In 2010 at UC Davis, vandals defaced a "Third World Mural," which depicted students of color on campus, by painting over a dove in the colors of the Palestinian flag with the star of David on top of a dove in the colors of the Palestinian flag.<sup>449</sup> The university decided not to meet with SJP or investigate the incident, despite requests by the student group, opting instead to issue a statement condemning the defacement and promoting the use of its new "UC Hate and Bias Reporting System." In contrast, when vandals defaced an Israeli flag at UC

Riverside two years later, UC system president Mark Yudof released an open letter to the UC community condemning the vandalism and supporting the Chancellor's decision to initiate an investigation by campus police.<sup>450</sup> Mindful of this history, SJP wrote in its 2012 letter, "We lack faith in our administration's ability to provide Palestinian and Arab students and their allies a safe and accepting environment in which we are free to share our political opinions and beliefs and to voice the truth."

UC Davis professors, as well as a group of 150 academics from California colleges, wrote a letter criticizing Yudof for mischaracterizing facts and giving preferential treatment to the concerns of pro-Israel students.<sup>451</sup>

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## University of California, Davis

### Divestment vote draws accusations of antisemitism and support for terrorism

Incident Date: January–May 2015

Location: Davis, CA

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In the aftermath of the passage of a divestment resolution at UC Davis on January 29, 2015,<sup>452</sup> divestment supporters became targets of anti-Arab and anti-Muslim attacks. During the Senate hearing, Muslim students who had campaigned for divestment exclaimed "*Allahu akbar*," a common expression of Muslim faith that translates to "God is Great." Following the divestment vote, student senator Azka Fayyaz, in an attempt to mock accusations that divestment emerged from a violent antisemitic movement by Muslims and Arabs, posted a satirical Facebook message stating that " Hamas & Sharia law have taken over UC Davis."<sup>453</sup>

The news media immediately highlighted the tongue-in-cheek Facebook comment—along with the expression of Muslim faith during the Senate vote—to claim that divestment supporters embraced terrorism. Fox News ran the headline, "Pro-Palestinian Students Heckle Cal-Davis Opponents with Cries of 'Allahu Akbar!'"<sup>454</sup> The *Washington Free Beacon* headline read, " Hamas on Campus. At UC Davis, Students for Justice in Palestine Chant 'Allahu Akbar,' Endorse Terrorism."<sup>455</sup> The right-wing news site Breitbart.com wrote, "The Muslim students demonstrated—to each other and to the outside world—that the true audience for their vote against Israel is not UC Davis campus but the Muslim world. . . . Radical Islamists have considerable influence and sympathy among students at University of California campuses."<sup>456</sup>

Two days after passage of the divestment resolution, vandals spray-painted two swastikas on the walls of the UC Davis chapter of Alpha Epsilon Pi, a Jewish fraternity. Public reports immediately connected the incident to the divestment vote,<sup>457</sup> despite the fact that police had not yet identified any suspects and divestment supporters condemned the incident.<sup>458</sup>

In response to these events, UC Davis's Facebook page saw a surge of hate messages, including "wipe out these vermin now," "wipe out these Islamic savages now," "Send every one of these foreign students who had anything to do with the vote and graffiti hate speech home to their native land," and "Palestinians are an invented people. They are the same savages as their role model 'Mo the Savage.'"<sup>459</sup> Comedian Roseanne Barr tweeted to her more than 271,500 followers that she hoped UC Davis would "get nuked."<sup>460</sup> Fayyaz reported receiving "hateful emails and violent messages," including being "labeled as an anti-Semite, a spokesperson for Hamas and a Jew-hater."<sup>461</sup> The president of UC Davis Students for Justice in Palestine (SJP) told the *Sacramento Bee* that group members were "afraid to walk on campus"

and that Muslim students wearing head scarves had been particularly singled out and called "terrorists."<sup>462</sup>

SJP's faculty advisor explained to Palestine Legal,

Students felt anxious about participating in public events and protests in the weeks following the divestment vote and many felt fearful about appearing at the SJP table or continuing to be associated publicly with SJP. This led to some members becoming less involved. . . . An incident where stones were thrown through a dorm room window with a Palestinian flag only heightened the climate of anxiety, fear, and self-censorship. Students were even reluctant to report incidents of harassment or racism to the campus authorities for fear that there would be repercussions.<sup>463</sup>

Several weeks after the student senate voted to pass the divestment resolution, Jonathan Mitchell, a former student senator and member of the campus fraternity Alpha Epsilon Pi, which has ties to Israel advocacy organizations,<sup>464</sup> filed a complaint with the student court challenging the constitutionality of the bill. The court invalidated the resolution, finding that it did not pertain to a matter of "student welfare" and was therefore "unconstitutional" under the bylaws of the Associated Students of UC Davis.<sup>465</sup> The court deemed the resolution "primarily political" and held that "politicized resolutions must be primarily focused upon student welfare, and therefore, drawing strong, clear links to student welfare is mandatory."<sup>466</sup>

Divestment supporters decried the decision, noting that the well-being of Palestinian students and their families does affect student welfare and that the court had never before dismissed a resolution for being "political."<sup>467</sup> The judicial bylaws do not provide a forum for appeal. The student senate, though, voted a second time to support a divestment resolution on May 28, this time highlighting how Palestinian students at UC Davis face discrimination, as Israel can deny them access to study abroad programs at Israeli universities solely on the basis of their identity or place of birth.<sup>468</sup> The second divestment resolution passed and has not been challenged.

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## University of California, Hastings

### University withdraws from law school conference

Incident Date: March 2011

Location: San Francisco, CA

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In March 2011, UC Hastings Law School cancelled its sponsorship of a conference entitled "Litigating Palestine: Can Courts Secure Palestinian Rights?" in response to a campaign by Israel advocacy organizations who labeled the conference "anti-Israel."<sup>469</sup> The conference featured legal scholars discussing relevant court cases and human rights advocacy.

Administrators received emails and letters from alumni who threatened to withhold future contributions if the conference proceeded at UC Hastings.<sup>470</sup> A member of the Hastings Foundation's board of advisors threatened to resign from her position if the university did not withdraw sponsorship of the conference.<sup>471</sup> Representatives of the Anti-Defamation League (ADL), the American Jewish Committee (AJC), and the San Francisco Jewish Community Relations Council (JCRC) met with administrators to pressure them to cancel the conference,<sup>472</sup> which they depicted as "one-sided" and "an anti-Israel political organizing conference using law as a weapon."<sup>473</sup> Rabbi Doug Kahn of the JCRC described in a

“candid briefing” for Jewish community leadership how the JCRC, AJC, and ADL worked together on an action plan that included “[l]ots of way behind-the-scenes calls [and] a continued flurry of excellent email communications to school officials.”<sup>474</sup> UCSC lecturer Tammi Rossman-Benjamin, founder of the AMCHA Initiative, wrote suggesting she would file a Title VI complaint with the Department of Education (DOE) against UC Hastings.<sup>475</sup>

In response to this pressure, the board of directors held an emergency closed-door meeting on the eve of the conference and resolved to “take all steps necessary to remove the UC Hastings name and brand” from the conference.<sup>476</sup> The dean cancelled his opening address,<sup>477</sup> and the private Cummings Foundation withdrew all funding.<sup>478</sup> The conference went forward, but only after organizers removed reference to UC Hastings’s sponsorship from the advertising materials.

The *San Francisco Chronicle* reported that nearly all of UC Hastings’ tenured faculty signed a letter to the board denouncing its actions as infringing on academic freedom.<sup>479</sup> On April 13, the Associated Students of UC Hastings, the elected student government body, passed 29–1 (with one abstention) a resolution requesting that the administration issue a statement explaining the process by which it decided to remove the UC Hastings name and brand, apologize, and issue a statement of commitment to academic freedom.<sup>480</sup> Thirty student organizations endorsed the resolution. The administration, though, did not provide an apology or explain its actions publicly.<sup>481</sup>

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## University of California, Irvine

### Title VI complaint targets campus activism

Incident Date: 2004–13

Location: Irvine, CA

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In 2004, the Zionist Organization of America (ZOA) filed a complaint with the US Department of Education (DOE) alleging that UC Irvine had violated Title VI of the Civil Rights Act. The ZOA claimed the university tolerated a hostile environment with regular antisemitic harassment and had failed to respond to student concerns.<sup>482</sup>

The incidents alleged in the complaint conflated together pure speech activities, such as rallies and lectures arguing that Israel’s treatment of Palestinians constitutes apartheid—political statements which the ZOA disagrees with—with actions that, if true, would constitute assault or harassment, such as swastika graffiti and threatening messages.<sup>483</sup> The ZOA filed the complaint shortly after the DOE adopted a Title VI policy recognizing claims of discrimination against religious groups when targeted for their actual or perceived shared ethnic ancestry.<sup>484</sup>

The DOE’s Office for Civil Rights (OCR) opened an investigation in 2004 and ultimately dismissed the complaint in 2007, finding that the activities reflected political opposition to Israeli policies, not animus toward Jewish students, and that other claims had either already been addressed by the university or were time-barred under OCR procedures.<sup>485</sup> For example, the complaint alleged that the university failed to respond promptly to complaints by Jewish students that Muslim students wore stoles with Arabic script with the opening verse of the Quran at graduation, which the complaining students considered “violently anti-Semitic because they associated it with terrorism against Jews and Israel.”<sup>486</sup> The dismissal noted that the university consulted seventeen different translators to verify that the script was not hateful, and spoke to both the Jewish and Muslim students to diffuse tensions. The complaint also included allegations that Muslim students gathered in a student lounge and intimidated Jewish students by glaring at them and speaking Arabic. OCR determined that this posed no physical obstacle or danger to Jewish students and that the evidence failed to demonstrate discrimination based on national origin.<sup>487</sup>

The ZOA promptly appealed the decision,<sup>488</sup> which led OCR to open another investigation in 2008 based on new allegations in the appeal letter.<sup>489</sup> The second investigation remained open for five years. In August 2013, OCR again dismissed the complaint in a decision emphasizing that discrimination laws do not “restrict the exercise of expressive activities or speech that are protected under the First Amendment of the US Constitution,” especially “in the university environment where academic freedom fosters the robust exchange of ideas.”<sup>490</sup> OCR concluded that the majority of incidents of alleged discrimination or harassment that the ZOA complained of involved disagreements “based on the students’ political views,” not the national origin of the complainant.<sup>491</sup>

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## University of California, Irvine

### Muslim student groups accused of material support for terrorism

Incident Date: 2009

Location: Irvine, CA

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In 2009, the Zionist Organization of America (ZOA) complained to UC Irvine (UCI) officials that the Muslim Student Union (MSU) had raised funds for Hamas, which the US government has declared a Designated Terrorist Organization (DTO).<sup>492</sup> The ZOA sent a letter to UCI’s counsel alleging that the MSU had violated UCI policies and may have acted illegally when it organized an event in which a British parliamentarian, George Galloway, solicited funds for a convoy to provide humanitarian aid to Gaza.<sup>493</sup>

The university opened an internal investigation into the alleged policy violations and referred the fundraising matter to law enforcement and the Department of Justice for investigation.<sup>494</sup> No charges were filed.<sup>495</sup> In a series of press releases, the ZOA faulted the university for failing to punish the students or take action upon completing its investigation.<sup>496</sup>

ZOA has long targeted MSU, lobbying the administration and government agencies over many years to investigate and punish the student group. In a 2009 letter to campus counsel in response to ZOA’s letter about the Galloway fundraiser, MSU detailed ZOA’s sensationalist allegations over the years, including complaints that students wearing graduation gowns with Islamic scripture “incited terrorism against Jews and Israel.”<sup>497</sup> MSU also noted that ZOA’s campaigns “have actually created a hostile environment for Muslim students at UCI,” referencing racial and ethnic slurs shouted at their events and death threats received by group members.<sup>498</sup> While repeatedly repudiated by the university and by the DOE itself, ZOA’s persistent pressure likely paved the way for the disproportionate discipline and prosecution of the “Irvine 11” (see below), which the ZOA praised.<sup>499</sup>

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## University of California, Irvine

### Eleven students criminally prosecuted for event walkout

Incident Date: 2010–2014

Location: Irvine, CA

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After students peacefully protested a speech at UC Irvine (UCI) by Michael Oren, then Israel’s ambassador to the United States, Orange County officials charged eleven students with criminal misdemeanors for disrupting a public meeting,<sup>500</sup> and a jury found ten of them

guilty.<sup>501</sup> The case prompted a public outcry about threats to campus free speech.<sup>502</sup>

UCI's political science department and law school sponsored the February 2010 speech. During the protest, several students stood up at separate times during Oren's speech and read short statements aloud, then voluntarily left the room escorted by security. Police promptly arrested, cited, and released the students.<sup>503</sup> Oren left the podium for a period, then returned and continued his speech.<sup>504</sup>

An internal university investigation led to disciplinary actions. The university suspended MSU for one quarter and placed it on probation for two years,<sup>505</sup> and suspended the individual students, noting the sanction on their official school records.<sup>506</sup> Local media reported that Rabbi Aron Hier, director of campus outreach for the Simon Wiesenthal Center (SWC), met with Irvine chancellor Drake before the university announced the sanctions.<sup>507</sup>

Almost a year later, the Orange County district attorney charged the eleven students with criminal misdemeanor counts of conspiring to disrupt a public meeting and disrupting a public meeting, charges that carry sentences of up to six months in jail, probation and community service.<sup>508</sup> SWC's Rabbi Aron Hier, along with UC Riverside's Hillel director, also reportedly met with staff from the district attorney's office before it filed charges in the case.<sup>509</sup>

The students all plead not guilty. During the pretrial period, the judge prohibited prosecutors from discussing the case publicly because their statements were "tainting the jury pool by labeling the student defendants as anti-Semitic, declaring them guilty and other 'ethically irresponsible' statements."<sup>510</sup> The defense also showed that the Orange County district attorney illegally used subpoenas intended for felony cases to obtain confidential attorney-client communications in a misdemeanor case.<sup>511</sup> The judge found this behavior to constitute prosecutorial misconduct and ordered the DA to remove the main investigator and deputies from the case.<sup>512</sup>

The charges prompted a significant public outcry. The ACLU of Southern California protested the charges and one hundred faculty members, including several deans, called for the DA to drop them.<sup>513</sup> The *Los Angeles Times* editorial board and local faith and civic leaders also objected.<sup>514</sup> Many pointed to similar instances of disruption that did not lead to criminal sanctions, including Jewish Voice for Peace members, who noted that they themselves had similarly disrupted events without facing sanction.<sup>515</sup>

On September 23, 2011, ten of the students were found guilty and sentenced to three years' probation, fifty-six hours of community service and fines.<sup>516</sup> In the defendants' appeal to the California Superior Court, Appellate Division, CCR, and Palestine Legal, together with Jewish Voice for Peace, submitted an *amicus* brief in support of the students.<sup>517</sup> The brief challenged the unconstitutional vagueness of the law under which prosecutors brought charges and suggested that the students' viewpoints and religious and ethnic backgrounds may have influenced the DA's decision to charge them. It detailed examples of other similar disruptions, for which prosecutors opted not to press charges:

So the question remains: Why was this case worthy of criminal prosecution while the others were not? Jewish peace activists posit that similar prosecutions are not pursued against Jewish protestors . . . and that the large-scale prosecution here was attributable to bias against the religious background of Appellants combined with their controversial message. The highly anomalous prosecution of these Muslim Appellants, expressing unpopular speech, underscores both that the "implicit customs and usages" of this type of event would have allowed such a disruption without threat of arrest or prosecution, and that the risks of discriminatory enforcement . . . were very real in this case.<sup>518</sup>

The California Court of Appeals denied the student's appeal in March 2014.<sup>519</sup>

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## University of California, Los Angeles

### AMCHA complaint triggers improper investigation of professor

Incident Date: 2012–2015

Location: Los Angeles, CA

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In 2012, AMCHA objected to material supportive of BDS that Professor David Shorter included on his course website; the chair of the UCLA Academic Senate responded by investigating Shorter and releasing false information about the accusations to the press, in violation of Shorter's academic freedom rights.<sup>520</sup>

Professor Shorter taught a Tribal Worldviews class, which focused on indigenous people's use of media to assert claims of sovereignty, and included in the online course materials two links to the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) website, in addition to articles opposing BDS and articles on a range of other topics.<sup>521</sup>

On March 29, 2012, the AMCHA Initiative sent the first of several letters to UC president Mark Yudof and Andrew Leuchter, chair of UCLA's Academic Senate, among others, decrying "promotion" of the boycott on an official UCLA class website.<sup>522</sup> AMCHA alleged that academic freedom did not protect Shorter, claiming that he had violated university policy as well as state and federal law.<sup>523</sup>

Although AMCHA had no standing as an outside organization to object to course material, the Senate chair responded by initiating an investigation outside of the formal channels<sup>524</sup> and without notifying Shorter.<sup>525</sup> Had the chair properly referred the complaint to the appropriate Academic Senate committee, the committee would have conducted the review confidentially.<sup>526</sup> Instead, the chair publicly relayed erroneous information to AMCHA and to public officials that AMCHA had previously copied in its original complaint. The Senate chair told AMCHA and the press that Shorter's inclusion of the USACBI links in the course material represented a "serious error in judgment" and that Shorter committed to not repeating the mistake in the coming year—an admission that the Senate chair later acknowledged Professor Shorter did not make.<sup>527</sup>

In July, the UCLA Academic Senate Committee on Academic Freedom issued a letter affirming that posting the USACBI links on the course website fell within Professor Shorter's right to academic freedom.<sup>528</sup> It noted that UC policy provides faculty "the right to present controversial material relevant to a course of instruction," and expressed concern that the Senate chair had made inaccurate statements to the press and to an outside organization about a review process not sanctioned by the university. The letter further stated that only members of the university, not "outside organizations," maintain standing to complain about course materials, and found that the Senate chair's actions violated Professor Shorter's rights.

AMCHA wrote to the UC Regents expressing "outrage" at the UCLA Academic Senate Committee letter, which it argued gave "official endorsement" to Shorter's use of the BDS links on his website.<sup>529</sup> AMCHA called on the Regents to publicly affirm their commitment to the UC Regents Policy on Course Content, which condemns "political indoctrination" as "misuse of the classroom," suggesting that failure to do so would amount to "a sanctioning of institutional anti-Semitism at the University of California."<sup>530</sup> President Yudof responded on behalf of the Regents, affirming UC's opposition to antisemitism, but also maintaining that the issue fell within the purview of the Academic Senate and the UCLA administration and expressing confidence that they would handle the issue "appropriately."<sup>531</sup>

This provoked yet more protest from AMCHA, which claimed that UC was protecting antisemitism under the guise of academic freedom.<sup>532</sup> On August 14, AMCHA submitted to Yudof and the Regents a petition reportedly signed by more than a thousand people, including some UC students and faculty, asking UC to protect classrooms from misuse for political purposes, including antisemitism, and academic freedom from faculty abuse.<sup>533</sup> AMCHA continues to demand that UC apply its course content policies to prohibit discussion of BDS in the classroom.<sup>534</sup>

While the UCLA Academic Senate's Academic Freedom Committee vindicated Shorter, he suffered considerable damage as a result of the smear campaign falsely accusing him of antisemitism<sup>535</sup> and received intense scrutiny in the *Los Angeles Times*,<sup>536</sup> the *Chronicle of Higher Education*,<sup>537</sup> and *Inside Higher Ed*.<sup>538</sup> Shorter told Palestine Legal that he reached out to law enforcement after receiving death threat notes on his car and at his house.<sup>539</sup> He also reported losing friends and colleagues, as well as months of his time responding to the false accusations. In addition, Shorter, who had worked as a consultant with the entertainment industry, told Palestine Legal that he had failed to secure any consulting contracts since the smear campaign began.

Three years later, in June 2015, Professor Shorter reached a resolution to the grievance he filed through the UCLA Academic Senate Committee on Privilege and Tenure. In a letter to Professor Shorter, the committee affirmed that he had the right to include the USACBI links and that the university had violated his rights through the process, including when the Senate chair publicly relayed erroneous information about him.<sup>540</sup>

As part of the resolution, the former Academic Senate chair, Andrew Leuchter, wrote a letter of regret:

I replied to the [AMCHA] complaint with copies to the original recipients summarizing what I mistakenly thought was the gist of an informal agreement between Professor Shorter and his department chair. My statements that he made a "serious error in judgment" and a "mistake" turned out to be an erroneous characterization of Professor Shorter's conversation with his department chair. My words were not based on any formal or informal review of Professor Shorter's teaching nor did they reflect an official view of the Academic Senate or the UCLA Administration. I regret that my email statement created the impression that he was doing anything other than teaching about a controversial subject.<sup>541</sup>

In a joint statement, Professor Shorter and Dr. Leuchter wrote, "When any outside organization attempts to drive discussions on our campus for the sole purpose of furthering its own political agenda, this belittles our faculty, students, and the values of this great public university. Such actions are antithetical to the spirit of UCLA, where we strive to maintain a welcoming environment for students of all religious and ethnic backgrounds."<sup>542</sup>

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## University of California, Los Angeles

### City Council introduces resolution condemning student advocacy campaign

Incident Date: May 2014

Location: Los Angeles, CA

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In spring 2014, the Los Angeles City Council introduced a resolution condemning efforts by student groups at UCLA to organize an "ethics pledge" which challenged the influence of Israel lobby organizations on campus, mischaracterizing the students' efforts as harassment.

The impetus for the ethics pledge grew out of concern about the role of Israel advocacy organizations during the 2014 campus debate about a student government divestment resolution. A coalition of student groups organized a pledge asking student government candidates not to accept free trips sponsored by organizations that promote discriminatory and Islamophobic positions, such as the Anti-Defamation League (ADL), the American Israel Public Affairs Committee (AIPAC), and Hasbara Fellowships.<sup>543</sup> Students for Justice in Palestine (SJP) also filed a case with the student judicial council, arguing that accepting such trips to Israel represented a material conflict of interest under UCLA student bylaws.<sup>544</sup> Students explained that experiences of racial bias and discrimination, as well as concern about Israeli state practices, motivated their campaign.<sup>545</sup>

Israel advocacy organizations on- and off-campus argued that the ethics pledge and the judicial council case represented "intolerance," "harassment," and "bullying" of Jewish students, making them feel unsafe on campus.<sup>546</sup> The AMCHA Initiative issued a letter and action alert and met with UCLA chancellor Gene Block, demanding he investigate and sanction SJP and alleging that the student group had violated multiple laws and regulations, including Title VI of the Civil Rights Act.<sup>547</sup>

Chancellor Block issued a statement "on civil discourse" that characterized SJP's advocacy as intimidation, even if protected by the First Amendment.<sup>548</sup> UC's new president, Janet Napolitano, also condemned the student campaign as violating principles of "civility, respect, and inclusion."<sup>549</sup> Meanwhile, the Los Angeles City Council proposed a resolution to condemn student advocacy against the Israel lobby on campus, which it mischaracterized as "bullying" and "harassment."<sup>550</sup> The resolution also urged UC to restrict student speech activity and refer cases of "intimidation or harassment" to "the proper law enforcement agencies."

A coalition of civil rights organizations, including Palestine Legal, CCR, and the ACLU of Southern California, wrote to the council warning that "if passed, this Resolution would violate the LA City Council's obligations under the First Amendment . . . by directing the UC to censor political debate on campus on a specific issue. The Resolution casts exactly the 'pall of orthodoxy' over the UC on matters of public concern that the Supreme Court has proscribed."<sup>551</sup> The resolution has yet to move forward in the City Council.

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## University of California, Los Angeles

### Divestment resolution draws accusations of antisemitism and support for terrorism

Incident Date: November 2014—April 2015

Location: Los Angeles, CA

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After passage of a successful divestment resolution in the student senate, Israel advocacy groups launched an attack campaign against Students for Justice in Palestine (SJP), the resolution's sponsor, falsely accusing them of antisemitism and support for terrorism.

UCLA's student senate passed the divestment resolution, sponsored by more than thirty student groups representing a range of different constituencies, "to divest from companies engaged in violence against Palestinians" in November 2014.<sup>552</sup> It passed despite extensive efforts by Israel advocacy groups to defeat it, including UCLA Hillel partnering with a public relations firm to fight divestment on campus, as revealed by media reports and leaked emails.<sup>553</sup> In its correspondence, Hillel pledged to "isolate" SJP on campus and to paint the group as "unrepresentative, a groups [sic] of isolated graduate students, part of Nationwide Agenda that has nothing to do with Student Life at UCLA and is an issue which our student government shouldn't even be considering."<sup>554</sup> Media reports also cited emails

showing that a wealthy Israel-aligned and anti-Muslim real estate agent in the Los Angeles area, Adam Milstein, donated through UCLA's Hillel to a UCLA political party ostensibly to build support for Israel in the student government.<sup>555</sup>

Three months later, in February 2015, the David Horowitz Freedom Center (DHFC), a hate group according to the Southern Poverty Law Center,<sup>556</sup> pasted posters on the UCLA campus and in the surrounding neighborhood that depicted images of executions from the Arab world, along with the words “#JewHatred” and “Students for Justice in Palestine” in large font. Part of a broader campaign entitled “Combat Jew Hatred on College Campuses” that also features a website, videos, and teach-in events, the posters aim to depict SJP chapters as supporters of terrorism.<sup>557</sup> In a fundraising email, the DHFC identified its “target” as “Students for Justice in Palestine, a Jew hating and terrorist loving organization that supports Hamas and the destruction of the Jewish State and the extermination of the Jewish people.”<sup>558</sup>

The posters threatened students, because, as SJP wrote, “intimidating a specific group of students creates a deeply harmful environment that prevents student learning and community-building. . . . Coupled with the recent upsurge in Islamophobia on a national scale, we are concerned for the safety of our fellow students and student organizers.”<sup>559</sup>

SJP at UCLA held a community meeting to discuss the impact of the posters and consider how to respond. One of the attendees at the meeting provided detailed information about the participants and their safety concerns to *Jew Hatred on Campus*, which published them in an online article.<sup>560</sup> SJP members believe that the DHFC sent this individual to infiltrate and report on their meeting.<sup>561</sup>

UCLA chancellor Gene Block failed to respond to SJP's repeated requests to meet with him during the 2014–2015 academic year to discuss the intimidation campaigns threatening their speech rights. In a media interview, the chancellor said he met with “Muslim” students to discuss the Horowitz posters, without acknowledging that the posters explicitly targeted Students for Justice in Palestine.<sup>562</sup> Later in the semester, another administrator told SJP representatives that the chancellor would not meet with SJP.<sup>563</sup>

The same month, a national furor erupted when the *New York Times* reported that members of the UCLA student council had asked a student nominee for the judicial board, Rachel Beyda, whether she could remain objective, given her Jewish identity and role in the campus Jewish community.<sup>564</sup> The campus paper,<sup>565</sup> the UC president,<sup>566</sup> and the UCLA Chancellor<sup>567</sup> immediately condemned the incident as unacceptable and antisemitic. The student council members who questioned Beyda and received a large quantity of hate mail as a result of the media attention the story generated, including death and rape threats,<sup>568</sup> penned a public apology.<sup>569</sup> SJP also issued a statement clarifying that it was “not involved in, had no knowledge of, and would not support the questioning of Beyda or anyone else based on their identity.”<sup>570</sup> It further noted that it opposes discrimination and that its members “believe in the inherent equality and right to freedom for all people, a stance that inspires us to both support the Palestinian call for BDS as well as to oppose incidents like that which befell Beyda.”

Despite SJP's condemnation, Israel advocacy organizations such as the ADL pushed the narrative that Beyda's questioning grew out of the divestment campaign on campus, arguing that the campaign created a hostile environment for Jewish students.<sup>571</sup> In its front-page piece, the *New York Times* framed the Beyda incident as reflective of “a surge of hostile sentiment directed against Jews at many campuses in the country, often a byproduct of animosity toward the policies of Israel.”<sup>572</sup> Fox News also attributed the questioning of Beyda to campus advocacy for Palestinian rights.<sup>573</sup> SJP responded to these accusations, noting,

These assertions [that divestment causes antisemitism] ignore all of our efforts to conduct our campaigns and debate the issue of divestment in an inclusive, transparent and accessible manner. Our town hall, willingness to compromise on the divestment resolution's language and open letters to the pro-Israel community show how much we worked to ensure that the debate on this issue was carried out by two sides that respected each other despite political differences—precisely the opposite of creating a hostile climate.<sup>574</sup>

In March 2015, the UCLA student council unanimously adopted “A Resolution Condemning Anti-Semitism.”<sup>575</sup> The resolution incorporated the “State Department” redefinition of antisemitism that encompasses criticism of Israeli policies as “anti-Semitic,” including speech that “demonizes Israel,” “delegitimizes Israel,” or holds Israel to a “double standard.”

Students opposed the State Department redefinition both before and during the student council hearing,<sup>576</sup> but the lead drafters of the bill, student leaders of UCLA Hillel, refused to accept any amendments to the text clarifying the distinction between criticism of Israel and antisemitism.<sup>577</sup> Palestine Legal<sup>578</sup> and Jewish Voice for Peace<sup>579</sup> both expressed alarm at the conflation of criticism of Israel with antisemitism, explaining that the State Department redefinition resulted from lobbying efforts by Israel advocacy groups to codify criticism of the state of Israel as antisemitic. Some student senators who voted in favor of the resolution emphasized that they sought to condemn genuine antisemitism and that the vote would not impact the divestment resolution passed the previous fall.<sup>580</sup>

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## University of California, Los Angeles

### Groups seek to defund Middle East Studies program

Incident Date: September 2014

Location: Los Angeles, CA

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In 2014, Israel advocacy organizations called on Congress and the US Department of Education (DOE) to defund or closely monitor Middle East Studies centers, using as a case study the UCLA Center for Near East Studies, to combat “anti-Israel bias” and antisemitism. The Brandeis Center and the AMCHA Initiative published reports purporting to present evidence of rampant antisemitism and low representation of viewpoints sufficiently sympathetic to Israeli government policies at UCLA and other university Middle East Studies centers.<sup>581</sup> The lobbying effort aimed to change the requirements for federal funding of Middle East studies programs under Title VI of the Higher Education Act.

AMCHA not only used an overly broad definition of antisemitism encompassing nearly all criticism of Israel, but also misrepresented the programs organized by UCLA.<sup>582</sup> The UCLA Center responded by pointing out that programming on Israel addressed diverse topics such as cinematography, food, and music, often received co-sponsorship from other units of the university, and only constituted 11 percent of its total programming.<sup>583</sup> It further noted that much of its programming focused on uprisings in the Arab world and featured voices critical of Arab regimes without providing “balance.”<sup>584</sup>

The Brandeis and AMCHA reports also falsely presumed that the Higher Education Act conditions funding for Middle East studies programs on presenting “diverse perspectives.”<sup>585</sup> In a letter to the Department of Education (DOE), civil rights organizations including CCR, Palestine Legal, and Asian Americans Advancing Justice–Asian

Law Caucus pointed out that the statute does not require “balance” and that any such “balance” requirement imposed by the government would restrict academic freedom and violate the First Amendment.<sup>586</sup>

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## University of California Riverside

### Groups seek to cancel student-led course on “Palestinian Voices”

Incident Date: April 2015

Location: Riverside, CA

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In April 2015, the AMCHA Initiative and partner organizations launched a public campaign against a student-led course called “Palestinian Voices” at the University of California (UC) Riverside, demanding that the university cancel the course for violating university policies.<sup>587</sup> The course sought to explore “Palestinian voices through contemporary literature and media.”<sup>588</sup> Assigned reading materials, from Palestinian authors such as Edward Said and Rashid Khalidi and a spectrum of Israeli Jewish writers from Benny Morris and Eyal Weizman to David Grossman and Neve Gordon, focused on Palestinian historical narratives, literature, and cultural production.

In a letter to the UC Riverside chancellor and other top administrators in the UC system, AMCHA complained that the course’s “clear intent [is] to politically indoctrinate students to hate the Jewish state and take action against it.”<sup>589</sup> It argued:

The course schedule is filled with egregiously one-sided, anti-Israel readings and films that falsely paint Israel as a settler-colonial and apartheid state, hold Israel to a double standard to which no other democratic country is held, vilify and demonize Israel and Israel’s supporters, and argue for an end to the Jewish state; these tropes are all considered anti-Semitic according to the US State Department’s definition of anti-Semitism.

AMCHA’s complaint highlighted the student instructor’s leadership in Students for Justice in Palestine (SJP) and a divestment resolution she had authored, and the faculty advisor’s involvement in the US Campaign for the Academic and Cultural Boycott of Israel. The reference in AMCHA’s complaint to the State Department definition of antisemitism, which includes criticism of Israel, coincided with an advocacy campaign demanding that the whole UC system adopt the definition.<sup>590</sup> AMCHA also claimed that the Palestinian Voices course violated the UC’s course content policy, Regents Policy 2301, prohibiting misuse of the classroom for political indoctrination.

In response to complaints, President Yudof’s office requested that the Riverside campus perform a detailed review of the course. In UC Riverside’s review, Chief Campus Compliance Officer and Associate Vice Chancellor Bill Kidder explained that “the course was approved via the regular application of professional faculty/Senate review standards and this course did not violate UC policies including the Regents’ policy on course content.”<sup>591</sup> The review added that “available evidence indicates that there was not a failure to adhere to the ‘political indoctrination’ prohibition in Regents Policy 2301 when that policy is interpreted harmoniously with (as it should and must be) and alongside the University’s robust commitment to academic freedom.” Echoing comments in a letter from the UC Riverside Academic Senate’s Committee on Academic Freedom,<sup>592</sup> the review of the course also identified the university’s commitment to academic freedom as fundamental to its mission.

But as a result of AMCHA’s public campaign, the student instructor became the target of anti-Muslim hate mail and cyberbullying. For

example, she received an email that read, “Since the palestinians weren’t a people, but an islamo-nazi invention for the annihilation of Jews, then anything can be taught in colleges. Like hamas baby shields, college baby brains are a great weapon.”<sup>593</sup> The website *Canary Mission*, which aims to blacklist student activists for Palestinian rights, also targeted the instructor. A misogynist blogger who criticized the course posted a picture of a woman in a sexually provocative position, suggesting it was the student instructor, and wrote, “The chick looks like an attention-whore.”<sup>594</sup>

A group of faculty wrote to the chancellor asking the university to publicly defend the student instructor against these malicious attacks:

Faculty and students involved have been subject to malicious, racist, and in some cases threatening communications that are at the least alarming and at worst have the potential to eventuate in physical threats and endangerment. We urge you to address this issue forthrightly and publicly and to repudiate in the strongest terms any external attempt to interfere with the right of faculty and students to pursue the inquiries that they see proper or to control and censor the content of either their research or their teaching and learning.<sup>595</sup>

To date, the university has not publicly responded to the smear campaign.

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## University of California, Santa Cruz

### Title VI complaint targets student activism

Incident Date: June 2009–June 2014

Location: Santa Cruz, CA

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In June 2009, Tammi Rossman-Benjamin, co-founder of the AMCHA Initiative, submitted a complaint to the Department of Education (DOE) against UC Santa Cruz (UCSC) alleging institutional discrimination against Jewish students in violation of Title VI of the Civil Rights Act.<sup>596</sup> According to the complaint, UCSC violated Title VI by allowing “anti-Israel” and “anti-Jewish” events to take place on campus, such as a screening of the documentary *Occupation 101* and a talk by a former IDF soldier and a Holocaust survivor critical of Israeli policy. The complaint referenced earlier letters to UCSC warning administrators that these events would negatively affect Jewish students and noted that Jewish students who attended these events had felt hurt and offended. The complaint further asserted that the use of university property for “political” purposes, such as courses on the poetry of Palestinian resistance and on violent and nonviolent social change, and a conference on “alternative Zionist histories”—programming that Benjamin argued was biased against Israel—does not fall within the protections of academic freedom.

The previous year, Rossman-Benjamin’s persistent complaints to administrators and to the Academic Senate resulted in the Senate Executive Committee referring the matter to the Senate’s Committee on Academic Freedom (CAF). CAF issued a statement, endorsed by the Senate Executive Committee, which declined to investigate the antisemitism charge and instead set out to determine whether the “activities of those making the complaint” threatened academic freedom.<sup>597</sup> The committee, though, concluded that filing the complaints fell within Rossman-Benjamin’s free speech rights.

In March 2011, the DOE’s Office for Civil Rights (OCR) opened an investigation in response to Rossman-Benjamin’s 2009 complaint as part of a renewed commitment to more aggressively combat

antisemitism on campuses.<sup>598</sup> The DOE ultimately dismissed the complaint in August 2013 in a strongly worded letter which emphasized that speech critical of Israel falls within the “robust and discordant expression” that regularly takes place on college campus.<sup>599</sup> Rossman-Benjamin issued a forty-page appeal letter arguing that the DOE’s decision would “undoubtedly result in Jewish students feeling more vulnerable and less safe on university and college campuses across the country.”<sup>600</sup> The DOE denied her appeal in June 2014, declaring that the opinion represented the agency’s final determination.<sup>601</sup>

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## **University of California, Santa Cruz**

### **Video accuses students of supporting terrorism**

Incident Date: February 2013

Location: Santa Cruz, CA

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In February 2013, a video surfaced showing UC Santa Cruz (UCSC) professor Tammi Rossman-Benjamin, director of AMCHA Initiative, making accusations that SJP and the Muslim Students Association (MSA) support terrorism. She asserted that members of both groups are “generally motivated by very strong religious and political convictions, they have a fire in their belly, they come to the university, many of them are foreign students who come from countries and cultures where anti-Semitism is how they think about the world,” and that such students “come with a serious agenda, who have ties to terrorist organizations.”<sup>602</sup>

In response, UCSC students petitioned UC president Mark Yudof to condemn Rossman-Benjamin’s statements and end communication with the AMCHA Initiative.<sup>603</sup> Students created a poster and online video campaign featuring testimonies about how Rossman-Benjamin’s statements had harmed them. One student explained, “I am not a terrorist, I am a biology major.”<sup>604</sup>

Rossman-Benjamin responded by claiming that the campaign constituted harassment and that she feared for her safety, and asking the university to sanction the students for their campaign against her.<sup>605</sup> She petitioned Yudof to ban SJP and MSA chapters throughout the UC system for “illegal activity” and suggested a list of alleged connections between SJP, MSA, and “terrorists.”<sup>606</sup>

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## **University of California, Santa Cruz**

### **Mock checkpoint draws accusations of terrorism and antisemitism**

Incident Date: March 2015

Location: Santa Cruz, CA

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A Students for Justice in Palestine (SJP) street-theater action to “demonstrate the daily oppression the Israeli military inflicts on Palestinians” in March 2015 resulted in the student organizers facing accusations of support for terrorism and antisemitism.<sup>607</sup> During the action, approximately thirty students, dressed in black, linked arms to form a line across the entrance to the campus library and two other campus locations. Students had a cardboard cutout with the word “gun” written on it and several wore t-shirts with the words “IDF.” They explained that they were staging a mock military checkpoint and asked those passing through to show ID. They also handed out flyers with information about the Israeli occupation and performed

skits intended to illustrate how Palestinians experience military checkpoints.<sup>608</sup>

Students told Palestine Legal that campus security came to monitor the protest several times throughout the day, but left without interfering in the action. At one point thirty police officers and four white vans came to the scene.<sup>609</sup> According to what an officer told organizers, they came in response to a call from a student’s mother expressing concern about his physical safety.<sup>610</sup>

The following week, the chancellor announced in an email to the campus community that the administration was reviewing “hate/bias” reports filed against the mock-checkpoint demonstrators.<sup>611</sup> Administrators did not provide the identities of the complainants to SJP due to confidentiality constraints, but they did allow SJP to see the complaints, which included baseless allegations of support for terrorism and antisemitism and played on anti-Muslim stereotypes.<sup>612</sup> One complaint, for example, alleged, “SJP is a hate group on UCSC campus . . . their hate tactics have escalated to mock violence, they are wearing military uniforms, sporting fake weapons, wearing scarves as masks around their faces to imitate terrorists like Islamic Jihadis. And they present a real present danger and security threat on campus.”<sup>613</sup> SJP leaders told Palestine Legal that campus administrators questioned SJP about the event, clarified the applicable policies, and then stated at the close of the meeting that they would dismiss the complaints.<sup>614</sup>

Several weeks later, UCSC Hillel announced that it had hired the first staff person in Northern California dedicated solely to responding to BDS and criticism of Israel. The UCSC Hillel executive director, Jim Atkins, declared that the new hire would be “the one to call when there’s a [mock] checkpoint that blocks access to the library.”<sup>615</sup>

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## **University of Illinois at Urbana-Champaign**

### **Professor terminated for Gaza tweets**

Incident Date: August-September 2014 to present

Location: Urbana-Champaign, IL

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In August 2014, the University of Illinois at Urbana-Champaign (UIUC) terminated Professor Steven Salaita from a tenured faculty position following pressure from donors who did not like some of his personal tweets criticizing Israel’s assault on Gaza in 2014. Over the course of the preceding ten months, Professor Salaita had accepted a tenured position at UIUC in the American Indian Studies program, resigned from his tenured position at Virginia Tech, and undertaken significant effort and expense to prepare for his family’s move.<sup>616</sup> Meanwhile, the university had scheduled Salaita to teach two courses, assigned him an office and an email address, and invited him to a faculty event on campus.<sup>617</sup>

During the summer of 2014, media outlets supportive of Israel published some of Salaita’s tweets that criticized Israel’s actions in Gaza.<sup>618</sup> Administrators initially defended Salaita’s right to free expression, stating that “faculty have a wide range of scholarly and political views, and we recognize the freedom-of-speech rights of all of our employees.”<sup>619</sup>

The Simon Wiesenthal Center (SWC) wrote to UIUC, calling Salaita a “baseless anti-Semite” and claiming that hiring him presented “a real danger to the entire campus community, especially to its Jewish students.”<sup>620</sup> The Champaign-Urbana Jewish Federation emailed its supporters to tell them that they took “this issue quite seriously and are addressing this matter to the best of our abilities,” and the Jewish Federation of Metropolitan Chicago reportedly prepared and circulated a document regarding Salaita’s “views.”<sup>621</sup>

Records obtained under Illinois's Freedom of Information Act (FOIA) indicate that Wise, who did not contact Professor Salaita or the program that hired him prior to making her decision, went out of her way to meet with major donors to discuss the matter, including a venture capitalist who serves on the boards of the Jewish Federation of Metropolitan Chicago and the University of Illinois Hillel Foundation.<sup>622</sup> Several donors threatened to withdraw financial support from the university, including a self-described "multiple 6 figure donor."<sup>623</sup>

Two weeks before the start of the semester, the chancellor wrote Salaita to inform him that she would not recommend his appointment to the Board of Trustees. The employment contract made the appointment subject to the board's approval, which would not take place until weeks after Salaita began teaching. As critics of the termination noted, the board's approval has always been a rubber stamp, as shared governance ensures that faculty, not the board, make hiring and firing decisions.<sup>624</sup>

Chancellor Wise later attributed the decision to terminate Salaita's appointment to his lack of "civility": "What we cannot and will not tolerate at the University of Illinois are personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them."<sup>625</sup>

Experts responded that the First Amendment protects even vulgar speech.<sup>626</sup> The American Association of University Professors (AAUP) also made clear in a statement opposing Salaita's termination that the principles of academic freedom protect every academic's right to engage in "extramural activity as a citizen" without fear of reprisal as a faculty member.<sup>627</sup>

CCR, Palestine Legal and other civil rights advocates argued in letters to the chancellor and the board that UIUC's action not only ignored the university's obligation to protect the academic freedom of its faculty, but also threatened to chill academic speech on matters of public concern across the country, especially on the Israel-Palestine issue.<sup>628</sup> A letter from dozens of law faculty reinforced this, stating: "The constitutional problem underlying the withdrawal of an offer of employment to Professor Salaita on account of his opinions on the Middle East affects not only him individually, but all current and prospective faculty at the University of Illinois insofar as it will have the predictable and inevitable effect of chilling speech—both inside and outside the classroom—by other academics."<sup>629</sup>

Outrage from the academic community at UIUC's disregard for faculty free speech rights led more than 5,000 academics to boycott the university,<sup>630</sup> more than sixteen UIUC departments to vote no confidence in the administration, and a number of prominent academic organizations to condemn the university's actions.<sup>631</sup>

Chancellor Wise sent Salaita's appointment to the board, explicitly not recommending him for approval, and the board rejected his appointment by a vote of 8 to 1 on September 11, 2014. Civil rights attorney James Montgomery, the lone dissenter, analogized Salaita's speech to his own, describing himself as "almost as vocal as Dr. Salaita" when he engaged in civil rights protests at UIUC in the 1950s.<sup>632</sup> Apparently the board had never before rejected the appointment of a tenured professor.<sup>633</sup>

In December 2014, the university's Senate Committee on Academic Freedom and Tenure (CAFT) issued a report concluding that Salaita's termination violated Salaita's due process rights and academic freedom principles.<sup>634</sup> It recommended that a body of qualified academic experts reconsider his candidacy and that the university take financial responsibility for its actions.<sup>635</sup> The university rejected CAFT's recommendation.<sup>636</sup>

CCR and local co-counsel represent Salaita in a federal lawsuit filed against the university on January 29, 2015, seeking his reinstatement and alleging violations of his constitutional rights, breach of contract,

and other tort claims.<sup>637</sup> Salaita also filed an Illinois Freedom of Information Act lawsuit against the university, seeking emails from university officials regarding his firing.<sup>638</sup> In June 2015, the AAUP voted to formally censure UIUC. On August 6, 2015, a federal judge rejected UIUC's efforts to dismiss the federal lawsuit, finding that Salaita's tweets "implicate every 'central concern' of the First Amendment" and that "if the Court accepted the University's argument [that Professor Salaita didn't have a contract], the entire American academic hiring process as it now operates would cease to exist."<sup>639</sup>

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## University of Michigan

### False accusations of antisemitism follow divestment campaign

Incident Date: March 2014

Location: Ann Arbor, MI

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In March 2014, Israel advocates falsely accused University of Michigan (UM) students campaigning for UM to divest from companies that profit from the Israeli occupation of using antisemitic slurs and making pro-Israel students feel uncomfortable.

Although hundreds of students turned out in support of divestment,<sup>640</sup> the Central Student Government (CSG) voted to indefinitely table the divestment resolution, sponsored by Students Allied for Freedom and Equality (SAFE) and endorsed by thirty-seven different student groups.<sup>641</sup> In response, dozens of students staged a weeklong sit-in demanding that the CSG vote on the resolution.

Students on both sides of the debate and student government representatives reported receiving threats and hateful messages via email and social media, which led to the filing of several complaints through the university's bias complaint procedures.<sup>642</sup> A resolution proponent noted that SAFE members "had to deal with a lot of hate, a lot of racism, a lot of threats."<sup>643</sup>

The right-wing *Washington Free Beacon* targeted a student leader of SAFE, Yazan Kherallah, referencing an old picture on Kherallah's Facebook profile showing him with a keffiyeh scarf wrapped around his face, holding a knife next to a pineapple, with a message saying "It's on."<sup>644</sup> The article quoted an "expert"—Kenneth Marcus of the Brandeis Center, who has spearheaded the Title VI tactic targeting Palestine activism on campuses—stating that in the context of alleged threats to opponents of the divestment resolution, the picture was "overtly threatening." In particular, he claimed that the pineapple likely represented an antisemitic symbol and that "it appears to be a gesture of warning or a threat towards Zionists."

In response, Kherallah denied these claims and maintained that he had posted the photo and comment to his Facebook page long before the divestment debate started.<sup>645</sup> The pineapple, he said, referenced an intramural basketball game against his friends' team (called Ananas, or "pineapple" in Arabic), and that "the photo was intended to make fun of racial stereotypes of Arabs as violent and extreme." He added, "When your identity is repeatedly demonized in public, all you can do is laugh it off. . . . How ironic that a photo that was intended as a satire of violent stereotypes of Arabs and Muslims is taken out of context to spread the same anti-Arab and Islamophobic characterizations it sought to ridicule." Kherallah noted the false accusations against other SAFE students meant "to distract from our real message—that complicity in Israel's human rights violations has to stop—and paint us as motivated by anti-Semitism." Kherallah also stated that, as a result of the *Free Beacon* article, his "Twitter account has been flooded with hateful and racist messages" and that the baseless accusations "will negatively affect me for the rest of my life." He explained that "many opponents of the resolution . . . chose to oppose us by calling

our movement ‘violent’ and ‘hateful’ instead of debating us on the actual merits.”

During the divestment campaign, students active in Israel advocacy on campus reported feeling “uncomfortable” and claimed that the divestment debate turned campus into a hostile environment.<sup>646</sup> Students also falsely alleged that individual SAFE students directed ethnic slurs at them, which Israel advocacy groups and right-wing pro-Israel media outlets repeated and attributed to the “the hateful anti-Israel BDS movement.”<sup>647</sup> The accused SAFE students roundly denied these allegations, stating that they did not even understand the meaning of the slur they were accused of using, “k\*ke.”<sup>648</sup>

University administrators met with the SAFE students engaged in the weeklong sit-in and with campus Hillel members. An administrator stated that she was “a little surprised that people have been talking about this as a violent movement; it’s just not the case. It has been just what you would expect from smart U of M students that are passionate about an important issue.”<sup>649</sup> A week after the sit-in began, the CSG reversed its indefinite tabling of the resolution and voted against it 25–9, with five abstentions, after a six-hour overnight debate.<sup>650</sup>

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## University of New Mexico

### SJP protestors assaulted at anti-Islam event

Incident Date: February 2012

Location: Albuquerque, NM

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In February 2012 at the University of New Mexico (UNM), audience members at an Israel Alliance and StandWithUs event featuring anti-Islam speaker Nonie Darwish physically assaulted SJP students protesting the talk. Audience members attacked several of the protestors, pushing and scratching them, pulling their hair, and even throwing one student to the ground.<sup>651</sup> As the students tried to leave the room, audience members blocked the doors and yelled at them. Witnesses told Palestine Legal that one student protestor suffered a concussion and others sustained minor injuries.<sup>652</sup> The main assailant faced two counts of misdemeanor battery and was ordered to perform twenty-four hours of community service.<sup>653</sup>

UNM investigated the student protestors for potential conduct violations, ultimately charging one student with disruption.<sup>654</sup> The Global Frontier Justice Center, an Israel advocacy organization connected to the Shurat HaDin, wrote a letter to UNM’s president arguing that disrupting lectures constituted a criminal offense under New Mexico law and that the university’s failure to stop disruptions could amount to a civil rights violation.<sup>655</sup> One of the student protestors told Palestine Legal that several weeks after the assault, one of the StandWithUs assailants came to her workplace and spat on her.<sup>656</sup>

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## University of Pennsylvania

### Groups Condemn BDS Conference

Incident Date: 2012

Location: Philadelphia, PA

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Israel advocacy groups accused a student-organized conference on BDS at the University of Pennsylvania (Penn) in February 2012 of antisemitism,<sup>657</sup> and a professor publicly called PennBDS “a hateful genocidal organization.”<sup>658</sup>

Groups such as J Street, Penn’s Hillel chapter, and the Jewish Federation of Greater Philadelphia, as well as the Israeli consulate of Philadelphia, issued statements condemning the conference.<sup>659</sup> Hillel of Greater Philadelphia sent a message to Penn Hillel assuring students, parents, and others that they were “urging university officials to ensure the conference does not receive school funding or create a hostile environment for pro-Israel students.”<sup>660</sup> A statement by more than thirty local and national groups and individuals claimed that the conference had “the sole purpose of pursuing a delegitimization campaign against Israel” and that it would “create deep divisions among students and promote an atmosphere of intolerance on campus.”<sup>661</sup> Harvard law professor and staunch Israel advocate Alan Dershowitz claimed that advocates of boycotts “have blood on their hands.”<sup>662</sup> Donors threatened to withhold support.<sup>663</sup> On December 23, 2011, Penn president Amy Gutmann issued a statement declaring that the university “does not support sanctions or boycotts against Israel,” but recognizing the right to freedom of expression.<sup>664</sup>

Two days before the conference, Penn professor and former Israeli soldier Ruben Gur published a guest column calling PennBDS “a hateful genocidal organization” and likening Jewish organizers of the conference to “Capos [sic] in [Nazi] extermination camps.”<sup>665</sup> Shortly thereafter, President Gutmann, along with David L. Cohen, chairman of Penn’s board of trustees and a former vice-chair of the board of the Jewish Federation of Greater Philadelphia, published an article in the *Daily Pennsylvanian* reiterating Penn’s “adamant opposition” and fundamental disagreement to BDS, but recognizing PennBDS members’ right to express their views.<sup>666</sup> Gutmann nonetheless resisted requests to condemn Gur’s inflammatory language, which made student organizers fear for their safety.<sup>667</sup> In response to Gur’s column, university police called an emergency meeting, ultimately requiring that PennBDS increase security for the event and pay the associated costs.<sup>668</sup>

Conference organizers wrote to President Gutmann and presented to the University Council, a body that addresses university activities and recommends policies, stating that they did not feel safe on campus after tenured professors singled them out for their participation and after receiving threatening mail, including a death threat.<sup>669</sup> President Gutmann responded by emphasizing the university’s commitment to protect speech, but failed to address the threats to the students’ safety.<sup>670</sup> A university public safety official responded that Public Safety would protect Muslim groups, conflating the Palestine advocacy group PennBDS with campus Muslim groups.<sup>671</sup>

After the conference, Penn students reported that pro-Israel activists continued to intimidate them. One former Israeli soldier repeatedly approached a mock wall they erected, screamed and cursed at the student organizers, and called a Palestinian female student a “whore” and “bitch” in Arabic. Another student also yelled at student organizers near the wall, throwing their papers at them and filming them for an extended period.<sup>672</sup>

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## University of South Florida

### Student government nullifies BDS referendum

Incident Date: 2013

Location: Tampa, FL

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In the spring of 2013, the student body president at the University of South Florida (USF) nullified a referendum on BDS after coming under heavy pressure from university officials who made erroneous claims that the referendum violated the law.<sup>673</sup>

The referendum asked students two questions: “(1) Would you

support the USF student government in adhering to the principles of Dr. Martin Luther King Jr. that “injustice anywhere is a threat to justice everywhere?” (2) Would you support boycotting, divesting, and sanctioning corporations affiliated with human rights violations by replacing them with ethical alternatives at University of South Florida?<sup>674</sup> A majority of students answered both questions in the affirmative, but the second question fell 19 votes short of the necessary threshold for passage.<sup>675</sup> After the vote, the student body president sent a campus-wide e-mail declaring the referendum “null and void,” falsely asserting that the referendum “conflicts with” or is “inconsistent” with local and state laws.<sup>676</sup>

The nullification decision came after repeated interventions by the university’s associate general counsel, who disputed the legality of the referendum. The student body president acknowledged in his email that he decided to nullify the referendum after “many intense discussions with Legal Counsel and University Officials.”<sup>677</sup>

Emails from university officials to student government leaders obtained via a public records request reveal that a university official, acting in response to advice from university counsel, pressured student government officials to remove the referendum from the ballot altogether on the grounds that student governments cannot take political positions.<sup>678</sup> Student government officials protested, noting that the supposed prohibition on “political” questions conflicted with the student government constitution, which guaranteed students the “right to call for a university-wide initiative/referendum.”<sup>679</sup> The students further pointed out that the student body constitution did not exempt “political” topics and that students had passed numerous nonbinding political resolutions the previous year.<sup>680</sup>

Nonetheless, the general counsel’s office advised student government officials that the referendum violated sections of Florida state law governing how government agencies enter service contracts.<sup>681</sup> During a subsequent meeting with Students for Justice in Palestine (SJP) and its attorneys, Associate General Counsel Adamchak referred the students to university purchasing regulations, which she also claimed barred the referendum.<sup>682</sup> In another meeting with students, the legal counsel compared SJP and its divestment referendum to the Ku Klux Klan (KKK), asking, “What if the KKK proposed a referendum on whether black people should not be allowed at the university?”<sup>683</sup>

These claims, though, misrepresent the law.<sup>684</sup> A nonbinding straw poll of student political opinion constitutes political speech, which a public university cannot censor under the First Amendment. Moreover, the cited Florida laws and anti-corruption statutes in the state electoral context do not apply to student referenda. Finally, the purchasing regulations aim to eliminate practices that undermine legitimate competition and do not apply to the university’s right to adopt purchasing policies called for by students based on ethical considerations.<sup>685</sup>

SJP appealed the student body president’s decision to nullify the referendum to the student supreme court, but the court denied a hearing on the grounds that the referendum would “violate State law and university policy.” When pressed to justify their decision, student government officials directed SJP to USF’s general counsel.<sup>686</sup>

In early 2014, USF’s SJP circulated a petition asking the University of South Florida Foundation to provide additional information about its investments and divest from companies profiting from Israel’s occupation. SJP gathered more than 10,000 signatures, making it the largest student petition in Florida history.<sup>687</sup> The executive director of Hillel for the Suncoast described the petition as an effort “to de-legitimize the state of Israel through falsehoods, half-truths and blatant lies. . . . Somebody needs to call them out for what they are. This has gone beyond political discourse. This is anti-Semitism.”<sup>688</sup> Students presented the petition to the CEO, chairman and general counsel of the foundation; however, the foundation’s board of trustees unanimously voted to reject the petition.<sup>689</sup>

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## University of Toledo

### Student government restricts debate of divestment

Incident Date: February 2015

Location: Toledo, OH

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In February 2015, the University of Toledo’s student government restricted students from attending a debate on a divestment bill introduced by Students for Justice in Palestine (SJP). The bill called for divestment from companies profiting from Israel’s occupation.<sup>690</sup> In the days leading up to the February 17 student senate hearing and vote on the resolution, the university’s student government announced that it would bar the public from attending the hearing in violation of Ohio’s Open Meetings Act, restrict the number of SJP members who could attend the hearing, and force those SJP members who could attend to sit in a separate room for part of it.<sup>691</sup> The student judicial council ultimately blocked student senators from voting on the resolution, which it deemed “discriminatory.”<sup>692</sup>

In an email to SJP, Jewish Federation of Greater Toledo (JFT) chief executive officer Joel Marcovitch, and JFT Hillel director Elizabeth Lane, the student body president explained that the student government had elected to restrict attendance of members of cultural, religious, and social justice groups at the hearing to prevent violent protest, disruption, “and putting stress on an already contentious issue.”<sup>693</sup> He further noted that they had taken these “non-negotiable” steps to prevent losing control and avoid the “risk” of “filling the room with students unaccountable for their behavior.”<sup>694</sup>

Students told Palestine Legal, though, that student senators had held a special, private hearing with JFT before the February 17 hearing,<sup>695</sup> and that pressure from JFT, which student government leaders copied on communications to SJP, had brought about these restrictive measures.

Palestine Legal and CCR sent a letter to University of Toledo president Nagi Naganathan, urging the university to comply with its obligations under the First Amendment and Ohio’s Open Meetings Act.<sup>696</sup> The letter advised the University of Toledo that the scrutiny and limitation of SJP’s expressive conduct violated free speech rights and that actions taken by a student government at a public college could be attributed to the university. Jewish Voice for Peace and the US Campaign to End the Israeli Occupation also issued statements decrying the attempt to stifle open discourse on the issue and debunking claims of antisemitism.<sup>697</sup>

After access to the hearing had been restricted and a vote on the resolution had been blocked, SJP decided to reintroduce its divestment resolution. On March 3 the student government held an open hearing, this time allowing students from various communities and groups supporting divestment to participate.<sup>698</sup> The student senate voted 21–4 in favor of divestment.<sup>699</sup>

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## Yale University

### Chaplain forced to resign over criticism of Israel

Incident Date: August–September 2014

Location: New Haven, CT

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In September 2014, Reverend Bruce Shipman, a chaplain of the Episcopal Church at Yale, resigned after coming under attack for penning a three-sentence letter to the editor in the *New York Times* criticizing Israel’s bombardment of Gaza. The letter, responding to an op-ed about rising antisemitism in Europe, stated that “the best antidote to anti-Semitism would be for Israel’s patrons abroad to press

the government of Prime Minister Benjamin Netanyahu for final-status resolution to the Palestinian question.<sup>700</sup>

Within two hours of the letter's publication, Shipman received "an avalanche of hate mail calling [him] every name imaginable, and an anti-Semite."<sup>701</sup> He was forced to resign from his position two weeks later amid a maelstrom of criticism leveled at the university itself, as well as the church board.<sup>702</sup> Top Yale administrators came under pressure from donors and alumni to fire Rev. Shipman over his "anti-Semitic" speech.<sup>703</sup>

Shipman has firmly rejected claims that the church asked him to resign for other reasons, stating that church officials had previously instructed him to never raise the issue of Israel's treatment of Palestinians among his Episcopal colleagues.<sup>704</sup> In a *Huffington Post* article, Shipman expressed concern

that others will be intimidated by my experience and thus fear raising the issue of the relationship between the United States and Israel, and the fact that apartheid conditions obtain for Palestinians in the West Bank and far worse in Gaza. . . . These are issues that demand public discourse without the fear of being labeled with the "A" word. Where better to address these issues than the campus of a great university? . . . I do object to being labeled and having my character attacked. . . . Those are the methods of Joseph McCarthy.<sup>705</sup>

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