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**HOW ISRAEL'S
DEFENDERS USE
FALSE CHARGES OF
ANTI-SEMITISM**

**TO LIMIT
THE DEBATE
OVER ISRAEL
ON CAMPUS**



Jewish Voice
for Peace

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Jewish Voice for Peace

Fall 2015

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	1
STIFLING DISSENT	2
THE STRATEGIES	3
THE PURPOSE OF THIS REPORT	5
OVERVIEW OF THE REPORT:	6
RECOMMENDATIONS:	8
2. BULLYING INSIDE THE JEWISH COMMUNITY	10
2.1 HILLEL'S ISRAEL GUIDELINES	10
2.1.1. BRANDEIS HILLEL REJECTS CAMPUS JEWISH VOICE FOR PEACE CHAPTER – MARCH 2011	11
2.1.2 SUNY BINGHAMTON HILLEL FORCES STUDENT LEADER TO RESIGN – DECEMBER 2012	12
2.1.3 REJECTION OF UCLA-JVP FROM UCLA HILLEL – APRIL 2014	13
2.1.4. SWARTHMORE KEHILAH –MARCH 2015	14
2.2 MARGINALIZATION AND EXCLUSION BEYOND THE HILLEL GUIDELINES	15
2.2.1 UC-BERKELEY'S JEWISH STUDENT UNION REJECTS J STREET U – 2011 AND 2013	15
2.2.2 ATTEMPTS TO CENSOR THE FILM <i>BETWEEN TWO WORLDS</i> AT UCLA AND UCSC, 2011	17
3. STUDENT GOVERNMENT INTERVENTION	19
3.1 TRAINING JEWISH STUDENTS IN ISRAEL ADVOCACY	20
3.1.1 HASBARA FELLOWSHIPS	21
3.1.2 PRO-VIOLENCE PROGRAMS IN ISRAELI SETTLEMENTS	22
3.2. CULTIVATING NON-JEWISH ISRAEL ADVOCATES	22
4. REDEFINING ANTI-SEMITISM TO SILENCE SPEECH	24
4.1 TITLE VI COMPLAINTS	25
4.2 LEGAL THREATS AGAINST ADMINISTRATORS AND FACULTY	28
4.2.1. CONNECTICUT COLLEGE	28
4.2.2 "WARNING LETTER" TO UNIVERSITIES	29
4.2.3 THREATS OVER CO-SPONSORED EVENTS	29
4.2.4 TARGETING FACULTY DIRECTLY	34
4.3 CODIFYING LIMITATIONS TO FREEDOM OF SPEECH	35
4.3.1 CODIFYING A DEFINITION OF ANTI-SEMITISM	35
4.3.1.1. CASE STUDY: UNIVERSITY OF CALIFORNIA	37

4.3.2 "CIVILITY" STANDARDS	40
4.4. DISCIPLINARY MEASURES AND CRIMINAL PROSECUTION	42
4.4.1: THE IRVINE 11 PROSECUTION	44
5. THREATS TO FACULTY	46
5.1. NADIA ABU EL-HAJ, BARNARD COLLEGE	46
5.2. RABAB ABDULHADI, SAN FRANCISCO STATE UNIVERSITY	47
5.3 NORMAN FINKELSTEIN, DEPAUL UNIVERSITY	48
5.4. TERRI GINSBERG, NORTH CAROLINA STATE UNIVERSITY	49
5.5. RASHID KHALIDI, COLUMBIA UNIVERSITY	49
5.6 JOSEPH MASSAD, COLUMBIA UNIVERSITY	50
5.7 KRISTOFER PETERSEN-OVERTON, BROOKLYN COLLEGE	50
5.8 STEVEN SALAITA, UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN	51
6. ISRAEL-ALIGNED ORGANIZATIONS ON YOUR CAMPUS	54
THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW	54
THE AMCHA INITIATIVE	56
AMERICAN JEWISH COMMITTEE	56
AMERICANS FOR PEACE AND TOLERANCE	57
ANTI-DEFAMATION LEAGUE	57
CAMPUS WATCH	57
DAVID PROJECT	58
GLOBAL FRONTIER JUSTICE CENTER	58
HASBARA FELLOWSHIPS	58
HILLEL	59
INSTITUTE FOR JEWISH & COMMUNITY RESEARCH	59
ISRAEL ACTION NETWORK	59
ISRAEL ON CAMPUS COALITION	60
THE LAWFARE PROJECT	60
SCHOLARS FOR PEACE IN THE MIDDLE EAST	60
SHURAT HADIN	61
STANDWITHUS	61
ZIONIST ORGANIZATION OF AMERICA	62
CANARY MISSION	62
7. RESOURCES FOR ADVOCACY, ADVICE, AND LEGAL SUPPORT	64
8. APPENDIX I: QUESTIONNAIRE TO JVP-UCLA FROM HILLEL UCLA, APRIL 11, 2014	66
DIALOGUE	68
DEBATE	69

1. EXECUTIVE SUMMARY

The decades-old Israeli military occupation, the refugee status of millions of Palestinians, and the expansion of Israeli control over Palestinian life and land are among the most urgent social and political issues of our time.

Across the world, social justice activists are organizing campaigns to challenge Israel's policies towards Palestinians and to challenge the international political support that enables Israel to continue its 48-year occupation without consequences. Activists are creating momentum for change through education, direct political action, protests, boycotts, and divestment, especially on college campuses, and especially in the United States in response to decades of failed U.S.-backed peace talks.

In recent years in particular, organizations aligned with the Israeli state have invested enormous resources into countering this solidarity movement for justice and equality on college campuses. For example, in June of 2015, Sheldon Adelson, the US-based casino magnate and owner of the Israeli newspaper *Israel HaYom*, held a secret

Las Vegas summit that raised up to \$50 million dollars to fight the nonviolent Boycott, Divestment and Sanctions (BDS) movement on campuses.¹

For years, under the banner of defending Israel, advocacy organizations have launched attacks against those who advocate for Palestinian rights and express political criticism of Israel, often deploying spurious charges of anti-Jewish bigotry, shutting down conversations, and policing the boundaries of legitimate Jewish identity and acceptable debate. Seeing campuses as a “battleground,” they have helped shape problematic definitions of anti-Semitism in order to limit open debate on college campuses, and intimidate students, faculty, and administrators. The intent of these silencing tactics is to shut down conversation before it can even begin, limiting the range of political inquiry, expression and debate on campuses.

¹ Nathan Guttman, “Secret Sheldon Adelson Summit Raises up to \$50M” *Forward.com* June 9, 2015 <http://forward.com/news/israel/309676/secret-sheldon-adelson-summit-raises-up-to-50m-for-strident-anti-bds-push/>

Stifling Dissent

Far-right political organizations, like StandWithUs and the Zionist Organization of America, as well as many prominent Jewish organizations with much broader communal mandates, such as Hillel International, Jewish Federations (specifically their Israel on Campus Coalition), and the Anti-Defamation League, intervene on campuses in efforts to muzzle political criticisms of Israeli policies. As a result, constitutionally protected speech and academic freedom — essential to learning, teaching, and rigorous inquiry — are under increasing threat.

These groups use a variety of methods that include, but are not limited to: filing complaints with the federal government that campuses are “hostile environments” for Jewish students; conflating some Jewish students’ emotional discomfort with targeted harassment; contacting administrators in an effort to have events cancelled and speakers disinvited; blacklisting professors; and launching public campaigns around faculty hires.

By framing much activism on behalf of Palestinian rights and criticism of Israel as “anti-Semitic,” these Israel advocates cause confusion over what is truly anti-Jewish bigotry versus political positions that cause discomfort to the Israeli government and its supporters. Students and faculty who are targeted for their political beliefs hesitate to

participate in public discourse out of fear of the consequences of exercising their right to free speech.

Each new complaint, and every campaign against a faculty hire, invited speaker, or student protest succeeds in raising an uproar on campus – and increasing tension and fear around speaking out on issues relating to Israel and Palestine. Israel advocacy organizations use these efforts to wear down administrators, intimidate faculty, and frighten students. Students who are already targeted by strict scrutiny and surveillance, particularly those from Palestinian, Arab and/or Muslim communities, adjunct and untenured faculty and progressive Jewish students bear the brunt of this bullying.

The Strategies

The central message and strategy used by Israel advocacy groups has been the effort to redefine criticism of Israel as anti-Semitism. One of the major problems with this framework is that it falsely equates all Jews with the State of Israel and treats critiques of a government with attacks on an individual.

Put simply, not all Jews are Israeli nor do they always support the policies of the Israeli government (and furthermore, not all Israelis are Jewish—over 20% of Israeli citizens are of Palestinian descent). Perpetuating the frame that the State of Israel represents all Jews actually often encourages anti-Semitic tropes, and falsely paints activism for Palestinian rights as anti-Semitic. In effect, when Israel's defenders label as anti-Semitic the efforts by Students for Justice in Palestine members to call out the building of new settlements (a constitutionally protected speech act), they equate the criticism of a governmental body – the State of Israel – with a religious and cultural identity. Activism for Palestinian rights does not inherently threaten Jewish identity, and political use of the charge of anti-Semitism threatens to void the term of any meaning at all.

It is important to note that Israel's defenders are very transparent about their intention to use the charge of anti-Semitism to silence criticism of Israel policies. For example, in an interview with

The Forward in June of 2015, Tammi Rossman Benjamin, Director of the AMCHA Initiative, stated that her efforts to get the University of California system to adopt the State Department definition of anti-Semitism were part of a larger effort to define activism advocating for Palestinian human rights as anti-Semitic. She stated: "BDS would, in principle, be seen as anti-Semitic with the adoption of the State Department definition. So would protests in which activists erect a wall to symbolize Israel's separation barrier, which is used to block Palestinians in the occupied West Bank from entering Israel and parts of the West Bank itself."² As this campaign to codify criticism of Israel as anti-Semitic intensifies on campuses, it has the potential to stifle research in multiple fields, including International Relations, Middle Eastern Studies, and Political Science.

Another new phase in the repression of speech critical of Israeli policy is the insistence on "civility" as a requirement for exercising the right to free speech. In 2014, the Chancellor of the University of Illinois at Urbana-Champaign rescinded a tenured faculty position that had been granted to Professor Steven Salaita over claims

2 Nathan Guttman, "Could California Ban Anti-Israel Campus Protests as "Anti-Semitic" Hate?" *The Forward* (June 10, 2015).

<http://forward.com/news/national/309450/what-is-anti-semitism/-ixzz3dLwyye00>

that his disrespectful social media posts violated a basic principle of “civility,” a case that resulted in the American Association of University Professors (AAUP) recommending censure.³ In their report on the case, the AAUP stated that the Salaita case “cast a pall of uncertainty over the degree to which academic freedom is understood and respected.”⁴

In other settings, political expression is judged and condemned according to standards of “civility.” The civility standard operates as a tool to limit freedom of speech, as noted by the University of California’s Committee on Academic Freedom.⁵ As a coalition of civil rights groups, including Palestine Legal, the Asian Law Caucus, the National Lawyers Guild, the Center for Constitutional Rights, and the Council on American Islamic Affairs, put it,

Debate, disagreement, and free expression, including protests, demonstrations, and other

³ Colleen Flaherty, “Sending A Message” *Inside Higher Ed* (June 16, 2014).

<https://www.insidehighered.com/news/2014/06/16/aaup-votes-censure-northeastern-illinois-u-over-academic-freedom-dispute>

⁴ American Association of University Professors, *Academic Freedom and Tenure: The University of Illinois at Urbana-Champaign*. (April 2015) http://www.aaup.org/file/UIUC_Report_0.pdf

⁵ University Committee on Academic Freedom, “US Academic Council Position on Academic Freedom and Civility” (April 1, 2015). http://senate.universityofcalifornia.edu/reports/document/s/MG_ChairsDirectors_AcademicFreedomStatement.pdf

*expressive activities, embody the highest values of a free university and a democratic society. We hope your university—through its policies, public statements, and actions—will treat freedom of speech not as a burden or a legal limitation, but rather, as a foundational value that enables searching scholarship and democratic governance.*⁶

Within Jewish communities on campuses, Israel-aligned organizations have imposed strict limitations on the scope of the debate over Israeli policies. The effect is marginalization of Jewish students from Jewish communities, exclusion of Palestinian, Muslim, Arab and other students who support Palestinian rights from Jewish spaces, and restrictions on programming relating to Israel. For example, in April of 2014, Jewish students at UCLA formed a Jewish Voice for Peace chapter, and applied for affiliation with Hillel, the official, institutional Jewish center on campus. After several meetings with the leading Hillel rabbi, they were asked to answer a list of forty-two questions before being rejected for membership. The questions included the following; for the full list, see Appendix 1.

- Is Zionism racism? Please explain.
- Can Israel be a Jewish state?

⁶ “PSLA and its Partners Caution over 200 Universities against Censorship” (December 3, 2014). <http://palestinelegal.org/news/2014/12/02/psls-and-partners-submit-letter-to-universities-warning-there-is-no-civility-exception-to-first-amendment>

- Is Omar Barghouti an anti-Semite? Please explain.
- Did Israel sterilize Ethiopians? Please explain.
- How would you describe the tactical orientation of your potential membership and allies? We are specifically interested in whether or not members and allies would consider themselves sympathetic to militancy as a social action orientation.

These questions are clear evidence of the political litmus test Jewish students are expected to undergo in order to be considered part of the organized Jewish community on campuses.

While students who stand up for Palestinian rights are under special scrutiny regardless of their identity, Palestinian students, along with Muslim and Arab students, bear the brunt of this intimidation and demonization. They are often deliberately “named and shamed” publicly for standing up for Palestinian rights, and are vulnerable to marginalization and exclusion in campus communities. This is nowhere more clear than when looking at the recent “Canary Mission” database, which claims to expose student activists as “hate-fomenting individuals” by compiling dossiers of their pro-Palestinian political activities with the explicit intent of hurting their employment prospects.

The Purpose of this Report

Jewish Voice for Peace produced this report in the service of protecting and promoting freedom of speech, academic freedom, and freedom of political expression on college campuses for all students. This report describes the primary methods that these Israel-aligned organizations use to control or stifle debate about Israel/Palestine on North American college campuses. We are deeply alarmed by the ways in which Muslim and Arab students in particular are particularly targeted by intimidation and false claims of anti-Semitism, and the ways in which political use of the charge of anti-Semitism devalues the term’s meaning. We are also deeply concerned with the ways that the growing number of Jewish students who question Israeli policies are marginalized by campus Jewish institutions for expressing political opinions that diverge from the conservative norm. The increasingly coordinated efforts to quell advocacy for Palestinian rights on campuses threaten the freedom of speech, academic inquiry and unfettered engagement with ideas that are integral to the university as a space of learning.

The report is not an exhaustive catalog of events relating to Israel/Palestine on campuses but rather an inquiry into the central tactics and strategies that are being deployed to stifle criticism of Israel on campus. This report should serve as a resource

for administrators, faculty, students, journalists, activists, and others who care about meeting the needs of a diverse student body and protecting academic freedom. The threats against open debate and discussion of this critical issue affect not only the lives of Israelis and Palestinians but also the stability and safety of the entire Middle East and, arguably, the entire world.

It is important to note that despite this rise in intimidation and threats against open debate, this is also a time when student and activist coalitions are building at an unprecedented rate. Diverse groups working across the entire spectrum of social justice, human and civil rights, gender and anti-racism issues have joined together with local and national student groups to organize alongside Palestinian rights activists.

A new consensus is emerging - one in which equality and basic human rights for Palestinians is not only widely supported but also integrated into global struggles for justice, liberation, and self-determination. Young people who reject racism in American society also oppose racist social order in other countries, including Israel. From across a political, ethno-racial, and religious spectrum, criticism of Israeli oppression and Palestinian rights activism are on the rise on campuses.

We see examples in many places, such as: the decision by the American Studies Association and other academic institutions to boycott Israeli academic institutions that are complicit in

occupation, recognizing that boycott is a tool to achieve social change motivated by political analysis and not anti-Semitism;⁷ the thousands of academics and prominent academic associations that rose to energetically oppose the de-hiring/firing of Professor Steven Salaita from University of Illinois Urbana-Champaign, recognizing that speech need not be comfortable to be permissible;⁸ and in the growth of student groups such as Students for Justice in Palestine,⁹ a multi-ethnic coalition active for Palestinian rights across the country, and Open Hillel, the organization of Jewish students who reject the limitations that Hillel International places on their debate of and engagement with Israel.¹⁰

Overview of the Report:

The *Bullying inside the Jewish Community* section discusses the marginalization and exclusion of Jewish students and faculty who are openly critical of the state of Israel. Being a full-fledged member of the organized Jewish community often now

⁷ American Studies Association, "Council Statement On the Boycott of Israeli Academic Institutions" (December 3, 2013)

http://www.theasa.net/from_the_editors/item/asa_members_vote_to_endorse_academic_boycott/

⁸ Corey Robin, "Over 5000 Scholars Boycotting the UIUC" <http://coreyrobin.com/2014/09/09/over-5000-scholars-boycotting-the-uiuc/>

⁹ Students for Justice in Palestine, <http://www.sjpnational.org>

¹⁰ Open Hillel, <http://www.openhillel.org>

entails passing a political litmus test, due to the guidelines that Hillel imposes with regard to Israel engagement on campuses, as well as the threats and intimidation of Israel critics and Palestinian rights supporters.

The section on ***Student Government Intervention*** addresses efforts by Israel-aligned groups to intervene in campus politics, including student government, in order to stifle debate on campus and counter campaigns for Palestinian rights. Among the tactics used are cultivating and training Jewish and non-Jewish Israel defenders among the student body.

The Redefining anti-Semitism section of this report illustrates how Israel advocacy groups use policy and regulations to suppress debate on campuses. By changing or creating rules that can be used to punish critics of Israeli policies and using legal tactics to implement them, Israel advocacy groups are undermining and limiting legitimate voices in the debate on campus. Included in this section is a discussion of the use of Office of Civil Rights regulations to claim that criticism of Israel perpetuates a “hostile environment” for Jewish students on campus; threats against administrators and faculty; attempts to codify a particular definition of anti-Semitism to encompass criticism of Israel and activism for Palestinian rights, including the use of boycott, divestment, and sanctions as political tactics; and attempts to instate “civility” standards on campus; and a discussion of disciplinary measures and criminal

prosecution of student groups, particularly Muslim and Arab student groups.

The Employment section looks at the targeting of faculty through tenure and hiring battles, providing an overview of such cases across the country.

An ***overview of Israel-aligned organizations*** working on campuses across the US provides a wide view of the map of these organizations, including some of the key players and their networks.

Finally, this report includes a list of ***resources for advocacy***, advice, and legal support to protect academic freedom, cultivate freedom of speech, and promote political expression on campuses.

Recommendations:

- 1.** Strive to create an open campus climate that is inclusive of all student perspectives, including Palestinian, Muslim, Arab American, and politically progressive Jewish students. Organizations like Hillel that benefit from campus resources or official endorsements have a special obligation to support a diverse student body and refrain from censorship, deploying politically motivated charges of bias, or policing students' religious or cultural identity.
- 2.** When incidents occur, take the time to talk in person to *all* involved parties. Time and time again, rumors or misunderstandings, or narratives pushed by outside organizations, often derived from classic anti-Muslim or Arab tropes, can quickly escalate to "fact" and find their way to the media or campus policy.
- 3.** The answer to controversial speech is almost always more speech, not less. In lieu of shutting down organizations or taking down protests, which inevitably simply make other students and faculty feel unsafe, opt instead for open forums, dialogues, and even outside speakers.
- 4.** As a learning institution, when students learn how to engage in political arguments and criticize government policy, discomfort can be a necessary part of the process. The issue of discomfort can never be solved by exchanging the emotional 'safety' of one group with another. Even or especially when students are uncomfortable, it is important to assert the value of critique under the principles of democracy and human rights, which require that dissent be freely articulated.
- 5.** Avoid policies that conflate the state of Israel with Judaism or the Jewish people, which risks furthering the anti-Semitic claim that Israel and Zionism and Jews are one and the same and places Israel in a uniquely protected category as a state.
- 6.** When dealing with Jewish communal organizations, please keep in mind that there is an incredibly diverse range of Jewish opinions on Israel, and that no one group can fairly claim to represent Jewish opinion. In fact, many long-established Jewish communal organizations are suffering from a diminished membership among younger Jews in part because of outmoded policies that support Israel unconditionally.

7. Avoid implying that the Boycott, Divestment and Sanctions movement and also Students for Justice in Palestine are anti-Semitic. In fact, many Jews, including Jewish Israelis, are members of SJP and active supporters of the movement. The BDS movement is a rights-based movement that calls for respect for international law, and the BDS movement and SJP explicitly oppose all forms of bigotry, including anti-Jewish hatred.

2. BULLYING INSIDE THE JEWISH COMMUNITY

On college campuses across the country, there has been a concerted effort to purge anyone supporting BDS or Palestinian rights from mainstream Jewish organizations. In many places, involvement in the Jewish community has become dependent on passing an ideological litmus test. It is no exaggeration to say that this process often mimics McCarthyism -- the period of time in the 1950s when political activists were "blacklisted" and accused of treason or disloyalty by the US government -- in its stridency and intensity.

2.1 Hillel's Israel Guidelines

Hillel is the world's largest Jewish student organization and is active on more than 550 colleges and universities worldwide. Their

stated mission is to "enrich the lives of Jewish undergraduate and graduate students" and to provide a place for people to participate in Jewish communal life on campus. Hillel had traditionally been a home for all Jews, regardless of politics.

But in 2010, Hillel International issued new guidelines on Israel, stating that

"Hillel will not partner with, house, or host organizations, groups, or speakers that as a matter of policy or practice:

- Deny the right of Israel to exist as a Jewish and democratic state with secure and recognized borders;*
- Delegitimize, demonize, or apply a double standard to Israel;*
- Support boycott of, divestment from, or sanctions against the State of Israel;*
- Exhibit a pattern of disruptive behavior towards campus events or guest speakers or foster an atmosphere of incivility."¹¹*

Hillel's guidelines encapsulate the pervasive campus atmosphere of **ongoing exclusion, marginalization and defamation of Jews whose politics don't serve the mainstream Jewish agenda on Israel**, which is - largely - not to interfere with Israel's mistreatment of Palestinians in the West Bank, Gaza, or inside of Israel. Hillel claims that any individual Jewish

¹¹ "Hillel Israel Guidelines."
<http://www.hillel.org/jewish/hillel-israel/hillel-israel-guidelines>

student is welcome within Hillel, regardless of that student's politics. What is explicitly unwelcome is that student's right to organize for Palestinian rights and to end the Israeli occupation using tactics that are outside of the pro-Israel consensus - a consensus that refrains from confronting Israel too directly.

In his op-ed announcing the guidelines, Hillel International CEO Wayne Firestone emphasized a commitment to pluralism in the Jewish community and invoked the Jewish tradition of Talmudic debate as a way to argue that Hillel supports a plethora of political opinion, despite the guidelines. Yet the guidelines explicitly exclude particular views from inclusion within the formal Jewish community. When the guidelines were announced, JVP's Cecilie Surasky predicted, "These new restrictive guidelines will only further alienate an increasing number of young Jewish students from Hillels, especially those who passionately embrace the values of justice and equality."

Surasky was entirely correct in her prediction. Soon after the guidelines were passed, Brandeis Hillel rejected the campus Jewish Voice for Peace chapter from Hillel membership; a student leader at SUNY Binghamton was forced to resign from Hillel after co-sponsoring an campus event highlighting the Palestinian popular struggle against the Israeli occupation; and Harvard Hillel refused to host an event featuring Israeli politician Avraham Burg because the co-sponsor fell outside of the Hillel guidelines.

Countless other events, potential student partnerships, and open discussions were no doubt quashed by the guidelines' heavy shadow. The new student organization Open Hillel was formed in 2012 in response to the pressure put on students to conform to Hillel's Israel guidelines. Seeking the elimination of the guidelines and dedicated to open discourse, Open Hillel is organizing on college campuses across the country.¹²

Case studies below look in detail at the ways in which these boundaries limit debate, marginalize dissent, and exclude students from participating in campus Jewish life.

2.1.1. Brandeis Hillel Rejects Campus Jewish Voice for Peace Chapter - March 2011

In March, 2011, Brandeis Hillel rejected the campus Jewish Voice for Peace chapter's request to be recognized as a Hillel member organization, citing Hillel International's guidelines as the reason for the rejection. In an email to the JVP chapter, Hillel President Andrea Wexler cited JVP's support for boycotting settlement products, saying that such support violated Hillel's commitment "to oppose groups that 'support boycott of, divestment from, or sanctions against the State of Israel,'" as stated explicitly in the guidelines.

¹² Open Hillel, "About." <http://openhillel.org/about.php>

What's notable here is assumption that "the state of Israel" refers to Greater Israel, that is, a state from the river to the sea. As Brandeis student & JVP member Morgan Conley put it, "By blurring the line between the state of Israel and the occupied territories, Hillel is unfortunately appearing to support a Jewish state at the expense of a democratic one." By refusing to admit JVP, Hillel was also refusing to hold an honest, open conversation about the conflation of state sovereignty and occupation. Instead, the Hillel Board that made their decision hid behind the Hillel International guidelines. Yet Charles Manekin, a Jewish studies professor, blogger, and committed activist for justice and human rights for Palestinians and Israelis, pointed out that local Hillels are actually *independent* of Hillel International, and so the claim that Brandeis Hillel had to abide by the guidelines was, really, an excuse.

Jewish Voice for Peace at Brandeis was the first Jewish Voice for Peace campus chapter to apply for Hillel membership, and their rejection highlighted the larger trend of closing ranks against Jews who publicly, and harshly, criticize Israeli policy. More than 1000 Brandeis faculty and students signed a petition asking Brandeis Hillel to reconsider their decision, to no avail. And the Brandeis chapter of J Street U spoke out in support of including JVP, stating that disagreeing with JVP was no reason to keep them from the Jewish communal conversation.

2.1.2 SUNY Binghamton Hillel Forces Student Leader to Resign - December 2012

Another example of the long arm of guidelines is from SUNY Binghamton. In November 2012, an organization called "Dorm Room Diplomacy" co-sponsored a screening of the documentary *5 Broken Cameras*, which follows the popular protests against the confiscation of Palestinian land for the Israeli separation wall in the West Bank village of Bil'in. The Binghamton event was one of the many events planned for a national speaking tour with lyad Burnat, brother of the filmmaker and a leader of the popular struggle in Bil'in and Palestinian non-violent resistance. Burnat's events included screenings of the film and presentations on non-violent resistance against the occupation. The political science department, the sociology department, the office of the dean of the undergraduate college at Binghamton and the Muslim Students Association were all co-sponsors.

What makes the Binghamton event unique was that one of the organizers of the event was also a part of the campus Hillel, and that student was asked to resign from his position because of his involvement with the event featuring lyad Burnat. Benjamin Sheridan was vice president of the campus Israel advocacy group, Bearcats for Israel, and an intern with MASA, a position in which he was paid a stipend to recruit Jewish students to travel to Israel for long-term programs. In other words, this is a student who is very much a part of the mainstream Jewish

efforts to build Jewish connections to and support for Israel. And yet, Hillel asked him to resign from both his positions because of his involvement with the Burnat event. And why was that event such a transgression? According to the Binghamton student [newspaper](#), Burnat's support for BDS violates the Hillel International guidelines. Though Sheridan did not work on this event in any of his Hillel capacities, and Hillel was not a co-sponsor, just Sheridan's participation in sponsoring the event was considered a violation of Hillel policy. In this case, the message from Hillel is not only that no Hillel organization could be a part of such an event, but also that no student who holds a leadership position within Hillel may be a part of any such effort on campus. This is policing beyond the symbolic and concrete walls of Hillel.

Did it matter to Hillel that Sheridan publicly disagreed with Burnat and prefaced Burnat's remarks saying his views do not represent Dorm Room Diplomacy? With its discussion-killing rules, Hillel's guidelines have no place on a college campus, where ideas should be considered and compared, weighed and rejected, as a part of the learning process. As Sheridan wisely [put](#) it, "I still fundamentally disagree with Lyad Burnat, but the monopoly on political discourse that Hillel at Binghamton conveys is infinitely more dangerous than anything Lyad said in his presentation."

2.1.3 Rejection of UCLA-JVP from UCLA Hillel - April 2014

In April 2014, the Jewish Voice for Peace chapter at University of California-Los Angeles applied to join the campus Hillel as a Jewish student organization. Leaders of the JVP chapter attended a series of meetings with a leading Hillel rabbi, during which they were questioned extensively about their desire to join Hillel and participate institutionally in the campus Jewish community. After one of these meetings, chapter leaders were sent a lengthy questionnaire, designed, in the words of Hillel, to "help us better understand the direction and intentions of JVP." Leaders were asked to answer the questionnaire as a group, and to not blog about it or share its existence or content with SJP. The 42 questions ranged from mundane and programmatic ("Are you a registered student group?"; "How does an affiliation with Hillel further your group's goals?") to explicitly political ("What's your position on BDS?"; "What's your position on refugees?"; "What is your relationship with SJP?"). For a full list of questions included in the questionnaire, see Appendix 1.

Though JVP student leaders felt themselves unfairly singled out by a questionnaire presumably no other Jewish students were forced to answer, they nonetheless complied, and returned detailed answers to the Hillel rabbi. For some time, Hillel sought to keep the JVP chapter in limbo, refusing to convey a decision. Finally, Hillel denied JVP's application to join, detailing the following reasons: (1) they

support BDS; (2) they are affiliated with the national Jewish Voice for Peace organization, which they claimed was too militant and disruptive; and (3) they are allied with Students for Justice at Palestine at UCLA, a group that Hillel asserted made their members feel unsafe. By denying the JVP chapter admittance based on political beliefs, the UCLA Hillel made it crystal clear that Jewish organizations could only join the community of Jewish institutions on campus after passing a political litmus test, and that the lines of acceptance were drawn around their position on the Boycott, Divestment, Sanctions movement.

2.1.4. Swarthmore Kehilah –March 2015

In March 2015, Hillel International threatened to pursue legal action against Swarthmore College after Swarthmore Hillel planned an event including political perspectives prohibited by Hillel’s Standards of Partnership. The event, titled “Social Justice Then and Now: Lessons from the Civil Rights Movement,” featured Jewish veterans of the 1960s civil rights movement.

Two years earlier, Swarthmore Hillel was the first campus chapter of the international organization to publicly reject the Israel Guidelines. As the catalyst to the Open Hillel movement, a national student movement dedicated to eliminating the guidelines that restrict the expression of support for Palestinian rights in Hillel spaces, the campus Jewish group [proclaimed](#) in December 2013

that “All are welcome to walk through our doors and speak with our name and under our roof, be they Zionist, anti-Zionist, post-Zionist, or non-Zionist.” Hillel International continued to threaten the student organization with disaffiliation if they acted upon this statement by inviting anti-Zionists to speak.

In the spring of 2015, Open Hillel organized a tour which brought Jewish veterans of the 1960s Civil Rights Movement to speak on college campuses about how their work for racial justice informs their support for Palestinian rights today.¹³ Therefore, Swarthmore Hillel planned to host an event including a Jewish supporter of the Boycott, Divestment and Sanctions movement, thus violating Hillel International’s guidelines.

Following a meeting between legal counsel for Hillel International and Swarthmore College in March 2015, the campus Jewish student group changed its name to Swarthmore Kehilah, cutting ties with Hillel International.¹⁴ As

¹³ Students tried to schedule the speakers for events at over a dozen Hillel chapters and were refused. When the campus advisor at Muhlenberg Hillel refused to allow the event to take place inside the Hillel building, Muhlenberg Hillel president Caroline Dorn resigned her position in protest and the event took place elsewhere on campus. “Muhlenberg Hillel Leader Quits over Israel Rules,” *The Forward* (March 30, 2015). <http://forward.com/news/breaking-news/217685/muhlenberg-hillel-leader-quits-over-israel-rules/>

¹⁴ Tracy Turoff, letter to Lili Rodriguez, Associate Dean and Sharmaine Bradham Lamar, Assistant Vice President

Swarthmore Kehilah, the student group successfully hosted the event and had an open discussion with the BDS-supporting Jewish civil rights veterans.¹⁵

2.2 Marginalization and Exclusion Beyond the Hillel Guidelines

There are a myriad of examples of McCarthyite censorship on campus in addition to Hillel's guidelines. The few included below each illustrate various aspects of how this policing works: gatekeepers in positions of influence; allegations that public critique of Israel endangers Israel and Jews, and claims to a singular definition of anti-Semitism; seeking to intimidate faculty and administration through threats of legal action, bad press, and the accusation of anti-Semitism; and the acquiescence, submission, or agreement of

for Risk Management and Legal Affairs, March 16, 2015; Elizabeth Redden, "Not in Our Name," *Inside Higher Ed*, March 18, 2015, <https://www.insidehighered.com/news/2015/03/18/swarthmore-hillel-breaks-parent-organization-over-israel-issues>.

¹⁵ Antonia Blumberg, "Swarthmore Student Group Breaks with International Jewish Group After Dispute over Israel Policies," *The Huffington Post* (March 23, 2015). http://www.huffingtonpost.com/2015/03/17/swarthmore-hillel-drops-name_n_6886978.html

supposedly mainstream institutions, like Hillel, to the power plays of the more explicit, proactive Israel advocacy organizations.

2.2.1 UC-Berkeley's Jewish Student Union Rejects J Street U - 2011 and 2013

In November 2011, UC Berkeley's Jewish Student Union rejected the campus chapter of J Street U's request to join the Union. The Jewish Student Union is the umbrella organization representing the range of Jewish student groups at Berkeley. As a member of the campus-wide autonomous student government, the ASUC, the Jewish Student Union presents "a unified structure to represent the Jewish community." The ASUC provides funding and extensive resources to its members, and the Jewish Student Union sees itself as responsible for "allocat[ing] resources to members." The Jewish Student Union also receives funding from Berkeley Hillel. All in all, membership has its benefits.

In their own words, the Jewish Student Union aims "to unify Jewish student groups" and "provide a forum for communication." They say they are "committed to a pluralistic vision of Judaism." Unity, communication, pluralism – the Jewish Student Union's vote against J Street U's membership proved just how empty these slogans are.

Berkeley Hillel passed its own version of the Hillel International guidelines, making it clear

that any programs, organizations or efforts that want Hillel support, or to use Hillel's facilities, must share Hillel's "support of Israel as a Jewish and democratic State with secure and recognized borders." They prohibit co-sponsorship of any program with a group that supports BDS, except for in the case of dialogue programs. J Street U sees itself as the "political home for pro-Israel, pro-peace" college students. They advocate for a two-state solution and against BDS, especially on Berkeley campus where BDS activism has had some success. In short - they fit within the guidelines. And as such, they receive support from Berkeley Hillel, and Berkeley Hillel's leadership stood up for them when the Jewish Student Union rejected them.

The Jewish Student Union's vote to reject J Street U's membership cannot be blamed on the Hillel guidelines - not directly. But they are interconnected in that both start from a place of inherent contradiction - that Israel can be both democratic and Jewish - and refuse to partner or align themselves with anyone who questions the veracity or implications of those ideological gymnastics. And both the guidelines and the Jewish Student Union are focused on whom to exclude from Jewish community because of 'unkosher' positions on Israel. One Jewish Student Union member said J Street U was "anti-Israel," and another said they were "beyond the pale of inclusion in the JSU's [Jewish Student Union's] tent." Even more, J Street U is "abetting the movement to demonize Israel on campus." Slandering people with whom they disagree as anti-Israel

demonizers is common parlance in the Israel-aligned community.

The rejection of J Street U at Berkeley was driven by a group called Tikvah, which calls itself "the" Zionist voice at Berkeley. Tikvah advances an agenda focused on one single principle - Jewish sovereignty - and is known for its pugnacious and aggressive behavior. Members of Tikvah heckled Norman Finkelstein at an event on campus in 2008, assaulted Palestinian rights activists who had unfurled a Palestinian flag on campus, and collected a dossier on the students of J Street U and their predecessor organization, Keshet Enoshi, as well as on the Berkeley Hillel director, and sent their report - more accurately called accusations - to Hillel International seeking their reaction and reprimand. One of Tikvah's founders, Jessica Felber, accused an SJP member of assaulting her and sued UC Berkeley and the UC system for "tolerating a dangerous anti-Semitic climate" on this campus. She lost this suit, but turned it into the Title VI complaint filed against UC Berkeley, as we discuss in the section on Title VI. This is the group, Tikvah, that led - and won - the charge against allowing J Street U to be a member of the official Jewish community on campus.

Because J Street is "within the tent" of Jewish consensus, and because the rejection of J Street U at Berkeley was the first instance of its rejection on any campus in the US, this event received a lot of media attention. Students supporting and opposing J Street U at

Berkeley published columns in Ha'aretz and the Forward, the Jewish press covered the event extensively, and even Jeffrey Goldberg weighed in against the Jewish Student Union's decision at the Atlantic. Ha'aretz columnist Bradley Burston caught the meaning of forming a community around ideology-based exclusion when he wrote "Does the Berkeley vote truly reflect the kind of community that Jewish students at the University of California want? An intellectual ghetto, walled off from debate, bricked up against nuance, a trompe l'oeil of democracy, of openness, of communication?"

In 2013, the Jewish Student Union voted to reject J Street U's request for membership again.¹⁶ This time, the Jewish Student Union rejected J Street U because the latter hosted speakers from Breaking the Silence, the Israeli organization of IDF soldiers who speak out against the occupation. Though J Street U has continuously sought inclusion in the main Jewish body on Berkeley campus, and collaborated with the organized Jewish opposition to divestment on Berkeley campus, their interest in hearing from anti-occupation Israelis put them beyond the pale for the campus Jewish leaders.

¹⁶ "Berkeley Jewish Students Union Rejects J Street Campus Group in Israel Feud" *The Forward* (October 11, 2013). <http://forward.com/articles/185435/berkeley-jewish-students-union-rejects-j-street-ca/>

2.2.2 Attempts to Censor the Film *Between Two Worlds* at UCLA and UCSC, 2011

This film, by Deborah Kaufman and Alan Snitow, explores divides in Jewish communities, especially over Israel, and looks particularly at the San Francisco Jewish Federation's Guidelines, which are similar to the national Hillel guidelines. The film premiered at the San Francisco Jewish Film Festival in 2011 and, though many Jewish film festivals have given into fear of losing funding or tempting controversy and rejected the film, the filmmakers have managed to screen it in many different cities and on many campuses. Campus screenings at UCLA and UC Santa Cruz stand out. At UCLA in November 2011, the Jewish Studies Department and Hillel both withdrew their sponsorship, and the reserved theater, at the last moment. (The film was screened despite these obstacles.)

At UC Santa Cruz, some students and other members of the campus community contacted administrators and asked them to withdraw UCSC sponsorship of the film's screening on campus. Calling the film "derogatory" towards Jewish students and Israel supporters, at least one of the supplicants claimed that the campus screening would "further foment a hostile campus climate toward Jews." This language - the "hostile climate" language - is a reference to the threat of legal action against administrators. Filmmaker Deborah Kaufman reported that the would-be censors organized a petition campaign against the university over

the film and asked the filmmakers “to reveal [their] ‘contacts’ on campus.” To their credit, university administrators defended the principles of free speech, saying (in an email cited by one of the would-be censors) that “the firm principles of free speech and academic freedom preclude the University from censoring an event merely because the speech at issue is offensive or upsetting to other members of the campus community.” This defense is entirely appropriate and correct.

In a similar vein, the director of an Israel Studies Program at a prominent East Coast university found himself the object of public vitriol - in the form of an op-ed in the Washington Jewish Week - after hosting a screening of the film “Defamation,” which explores and critiques the concept of anti-Semitism in contemporary politics and Jewish identity. The op-ed writer accused the Israel Studies director of betraying both the donors who support Israel Studies programs and the parents who encourage their children to take these courses. While it is not unusual for a professor to face criticism for remarks made in a public forum, what is notable here is that the Washington Jewish Week saw fit to publish this op-ed and the strong accusations it makes against a highly esteemed professor, known for his dedication to Israeli life and culture. The op-ed reflects the standard narrative of extremist Israel defenders, for whom the horrors of the Holocaust - the pinnacle of anti-Semitism - can have only one interpretation, and Jews may only be either victims of Nazi aggression or champions of Israeli power.

As a result of these actions, many Jewish students are alienated from the “official” Jewish spaces on campuses. They are left without spaces to practice their religion, engage in ritual, or build community.

3. STUDENT GOVERNMENT INTERVENTION

Israel-aligned organizations see campuses as the premier battleground on which they must defend Israel, and as such see student government as an important tool of influence.

As divestment campaigns spread, so too do the efforts to cultivate student leaders as a bulwark against campus BDS. As such, “advocacy” for Israel is often synonymous with opposing campus-based activism for Palestinian rights. Outside organizations support students through a multitude of channels and initiatives. These range from coalitions that come together to oppose campus divestment to providing funding and training for students to build personal relationships with other students towards the end of cultivating support for the state of Israel. (The David Project supports such an effort, which they call “the Latte Initiative,” as they fund Israel advocates to take other students

out for coffee.¹⁷) The current student representative on the University of California Board of Regents, Avi Oved, received funding for his student government campaign from a prominent LA-based Israel advocate (known for his support for Israel’s colonial project on the West Bank¹⁸) for an anti-BDS platform.¹⁹ The funding was channeled through UCLA’s Hillel.²⁰

In the spring of 2010, for example, UC Berkeley’s Students for Justice in Palestine initiated a divestment resolution that called for the University of California to pull its investments from a number of US companies that profit from Israel’s violations of international law and human rights against Palestinians. A wide-ranging coalition of Jewish and Israel-aligned groups, including Hillel, J Street, the ADL, AIPAC, StandWithUs, the Simon Wiesenthal Center, and individuals

¹⁷ “The Latte Initiative,” *The David Project* (<http://www.davidproject.org/students/latte-initiative/>)

¹⁸ Alex Kane, “Caught in a Lie: E-mails prove right-wing pro-Israel donor Adam Milstein gave money to California student candidates” *Mondoweiss* (July 7, 2014) <http://mondoweiss.net/2014/07/milstein-california-candidates>

¹⁹ Chloe Hunt, “UCSA calls emergency meeting over concerns about student regent-designate nominee Avi Oved” *Daily Cal* (July 2, 2014). <http://www.dailycal.org/2014/06/28/ucsa-calls-emergency-meeting-concerns-student-regent-designate-avi-oved/>

²⁰ Yardin Amron, “Why Did UCLA Hillel Funnel Cash from Pro-Israel Donor to Student Candidate?” *The Forward* (July 23, 2014). <http://forward.com/articles/202616/why-did-ucla-hillel-funnel-cash-from-pro-israel-do/?p=all>

including Elie Wiesel, Amos Oz, and Alan Dershowitz issued statements against the bill. Closed-door meetings were scheduled between student senators and representatives from groups including the ADL, AIPAC, the Jewish Community Relations Council, J Street and the Israeli consul general of the Pacific Northwest. UC Berkeley student government became the focus of all of these organizations, inspiring an enormous investment of time and resources.²¹

Responding to the divestment efforts at UC Berkeley, AIPAC's development director Jonathan Kessler was videotaped asking:

"How are we going to beat back the anti-Israel divestment resolution at Berkeley? 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."²²

In other words: what happens on college campuses is vitally important to the

²¹ Cecilie Surasky wrote an excellent discussion of the main frames and tactics used by the anti-BDS coalition, which can be found here:

<http://muzzlewatch.com/2010/09/30/lessons-from-the-uc-berkeley-divestment-effort-hillel-on-campus/>

²² Josh Nathan-Kazis, "How to Beat Back Israel Divestment Bill: Get Organized" *The Forward* (April 21, 2010).

<http://forward.com/articles/127439/how-to-beat-back-israel-divestment-bill-get-organ/?>

organizations that lobby on the national and international levels. These organizations pursue their goals on college campuses through two primary projects: training Jewish students in Israel advocacy, and cultivating non-Jewish students as Israel advocates and allies.

3.1 Training Jewish Students in Israel Advocacy

"Israel advocacy" is so ubiquitous inside the Jewish community that it is nearly impossible to describe any Jewish community engagement with Israel that is not simultaneously advocacy for the state. For instance, the Jewish Agency for Israel, a quasi-governmental Israeli institution that formally links the Israeli state with the Jewish diaspora, initiated a partnership with campus Hillels during the second Intifada in which dozens of young IDF veterans spend a year on campuses cultivating relationships with students. While the stated aim of the partnership is to help the Americans develop "enduring relationship[s]" with the state of Israel, the mechanism unabashedly promotes and rewards support for Israeli state policies. The dozens of "Israel fellows," as these young Israelis are known, have become an additional resource for generating proactive defense of Israel on campus, including marginalizing dissent within the Jewish community.

Some organizations have created explicit training programs, including StandWithUs,²³ The David Project,²⁴ and Hasbara Fellowships (case study below). These programs provide funding for different types of training and education about Israel, and trips to Israel, all geared towards producing campus advocates who will promote the interests of the state of Israel on campuses.

3.1.1 Hasbara Fellowships

Israel-aligned students are also given fellowships with Israel propaganda outfits such as Hasbara Fellowships, a project of Aish HaTorah International. *Hasbara* means public relations - often translated as propaganda -- in Hebrew. Hasbara Fellowships began in 2001, shortly after the breakout of the second intifada, and was supported by Israel's Ministry of Foreign Affairs.

The Hasbara Fellowships website states that it works with universities across North America, and has brought "hundreds of students to Israel every summer and winter, giving them the information and tools to return to their campuses as educators about Israel." The organization boasts that it has "educated over

²³ "StandWithUS Emerson Fellowship," StandWithUs. <http://www.standwithus.com/aboutus/emersonfellowship/>

²⁴ "Our Campus Approach," The David Project. <http://www.davidproject.org/about/our-campus-approach/>

2,000 students on over 250 campuses," and "upon returning from the program, the Hasbara Fellows receive support from our staff, as well as access to various campaigns, programs, speakers and other materials and tools. Hasbara Fellowships focuses on college campuses, but the information and tools offered are applicable for other forums as well." One way in which Hasbara fellows promote Israel's image on campus and deflect criticism of Israeli policies is through media work, including placing articles in campus and mainstream media outlets.²⁵

Many elected campus leaders throughout North America are Hasbara fellows who have received extensive training and receive ongoing financial support in their efforts to promote Israel and deflect criticism of it on campus.²⁶ Other campus activists are also Hasbara fellows, such as Jessica Felber, the student who filed the lawsuit alleging that UC Berkeley failed to protect students from anti-Semitism.

²⁵ For a list of articles written by Hasbara fellows, please see: <http://www.hasbarafellowships.org/homepage-v2/meet-our-fellows/articles-written-by-hasbara-fellows-2>

²⁶ "Hasbara Fellowships, An Inside Look" <http://www.hasbarafellowships.org/homepage-v2/about-us-2/hasbara-fellowships-an-inside-look>

3.1.2 Pro-violence programs in Israeli settlements

A startling new program designed by the Bay Area-based BlueStar PR, a Bay Area based Israeli advocacy organization, aims to train young Jewish American students into becoming “powerful pro-Israel advocates, spokespeople and opinion leaders” on their college campuses. Student leader Rebecca Pierce reported in *Mondoweiss* in August 2013 that the “trip itinerary often glorifies Israeli state violence while promoting a dehumanized image of Palestinians.”²⁷

Students on this propaganda tour are taken to one of the largest Israeli settlement blocs, Gush Etzion, in order to take part in a “commando training” program, complete with weapons training and shooting techniques. The program says it provides an experience that combines “combines “the values of Zionism with the excitement and enjoyment of shooting.” Pierce adds:

A June 2013 NPR report on Caliber 3 describes instructors demonstrating firing techniques on targets dressed as Palestinians, and telling tourists that they can “help fight

²⁷ Rebecca Pierce, “War games and settlement excursions: inside a pro-Israel propaganda tour for student activists” *Mondoweiss* (August 21, 2013). <http://mondoweiss.net/2013/08/war-games-and-settlement-excursions-inside-a-pro-israel-propaganda-tour-for-student-activists>

terrorism” by promoting a positive view of Israeli soldiers when they return home.

Bluestar PR is not the only Israel-aligned organization to bring student advocates to West Bank settlements for advocacy training or to offer them a “commando tourism” experience.

3.2. Cultivating non-Jewish Israel advocates

Israel-aligned organizations have identified college students as key public relations campaigners who can directly influence student governments, promote Israel’s image, and advocate for a pro-Zionist narrative on campus. Along with programs such as the *Anti-Defamation League’s “Campus Leaders’ Mission to Israel,”* other Israel-aligned groups are enticing student leaders with free trips to Israel on all-expense-paid tours.

One strategy to cultivate Israel advocates on campus includes targeting non-Jewish potential allies of the state. To that end, the American Israel Public Affairs Committee (AIPAC), the largest Israel lobby organization in the US, has developed specific messaging initiatives to resonate with non-Jewish, non-white, and LGBT communities on campus. Promoting Israel’s “diversity,” AIPAC has, for example, cultivated students at historically Black colleges and paid for trips to “leadership seminars” in Washington DC – and to Israel -- in an effort, *as Colorlines Magazine wrote,* “to

declare there's no way Israel can be racist." *The Forward* wrote that "To African-American and Latino supporters, [AIPAC's] key themes include Israel's diverse society, the absorption of Jewish immigrants from across the world, and Israel's adherence to principles of democracy and equality."

AIPAC and other Israel-aligned organizations expect the students they train to take their advocacy for Israel back to their campuses. These students are put on the front lines of the campus to defend Israel from criticism of Israel's policies of systematic segregation and discrimination against non-Jews.

Colorlines added:

AIPAC trained [Florida A&M student Vincent] Evans and other students in lobbying and campaign work and provided a crash course in its staunchly Zionist version of Middle East history and politics. Participants are introduced to American and Israeli political leaders and spend afternoons walking Capitol Hill to lobby for Israel.

In 2012, the *hasbara* (Israeli propaganda) organization David Project released a handbook titled *A Burning Campus? Rethinking Israel Advocacy at America's Universities and Colleges*, which, [Mondoweiss reports](#), "calls for pro-Israel students to build alliances with other groups on campus, notably with students of color."

The David Project's handbook states:

Campus Israel advocates often overlook the importance of emerging groups with great potential to shape the campus conversation ... Many of these groups also have the potential to be co-opted into the anti-Israel coalition on campus. Preventing them from allying themselves with the anti-Israel effort or even co-opting them into pro-Israel efforts is an opportunity for a significant "win" by Israel advocates on many campuses.

Similar to AIPAC, the American Jewish Committee (AJC) and its campus initiative, Project Interchange, seeks to cultivate student leaders and grow advocates for Israel through "all-expense paid, unique, immeasurable experience[s] ... exploring Israel first-hand." On their website, Project Interchange says it specifically targets "student government (Associated Students); Campus Democrats/Republicans; Model UN; LGBT, environmental advocacy, pre-law, business, and other shared interest organizations; and religious/ethnic clubs." These trips include meetings with "government, NGO, media and community leaders through whom they will learn about Israel's culture, history, and society."

These groups know that some of these students will become future politicians, lawmakers and community leaders, and expect that their all-expense paid propagandistic trips to Israel will reverberate for years to come.

4. REDEFINING ANTI-SEMITISM TO SILENCE SPEECH

Israel-aligned organizations are using “lawfare” to re-define anti-Semitism on a national scale.

“Lawfare” is a term that’s become popular to describe the use of legal tactics to challenge – or vanquish – an opponent. Advocates for the Israeli government use it to describe threats they face in the legal arena, referring to, for instance, the use of Britain’s universal jurisdiction law to threaten Israeli government ministers and military leaders with arrests for war crimes violations, or even attempts to achieve Palestinian recognition and rights through the UN. Israeli government advocates see these moves as a form of warfare against the country, legal warfare – hence, “lawfare.” Rather than define anti-Semitism as acts of hatred or vilification of Semitic peoples, Israel-aligned organizations use lawfare to define criticism of Israel as anti-Semitic. This is troubling, in that it treats a governmental body as a Jewish person.

Some of these same advocates apply that term to their use of legal systems against those whom they see as Israel’s enemies and opponents, creating what *Commentary Magazine* calls “Pro-Israel Lawfare.” This kind of lawfare describes the use of lawsuits and the threat of lawsuits by Israel advocacy groups such as the Global Frontier Justice Center – affiliated with the Tel Aviv-based Shurat HaDin/Israel Law Center -- as a tactic against those it accuses of engaging in “warfare, terrorism, and other illegal or deceitful tactics” against Israel.

Lawfare tactics are widely used on college campuses to intimidate, silence, and undermine the freedom of speech.

As we see it, this strategy is more about silencing and intimidation than about being “pro” any entity. On college campuses, legal tools and mechanisms are used to intimidate and threaten critics of Israel and supporters of Palestinian rights.

These legal tools and mechanisms include threats and the use of tactics including the instigation of federal investigations into college campuses, filing lawsuits, and attempts to shape official regulations and policy in legally binding ways that delegitimize criticism of Israel.

Across the United States, Israel lobby groups and Israel-aligned individuals attempt to use “lawfare” tactics to intimidate and threaten students, faculty and administrations into

censoring Palestine solidarity activism or discussion of Israeli policies. These groups and individuals use a manipulated interpretation of anti-Semitism to create false narratives and make baseless legal claims that serve the purpose of censorship and intimidation.

On college campuses, this redefinition of anti-Semitism takes the form of:

- 1.** Filing complaints against college campuses alleging anti-Semitism, triggering federal investigations under the provisions of Title VI of the Civil Rights Act of 1964.
- 2.** Legal threats or “warnings” against administrators and faculty imagined to be anti-Semitic,
- 3.** Attempts to codify language that effectively undermine legal protections of free speech, including a definition of anti-Semitism that includes critique of Israel and the imposition of “civility” expectations (requirements) into public discourse.
- 4.** Disciplinary Measures and Criminal Prosecution, such as the Case of the Irvine 11.

4.1 Title VI Complaints

Title VI is the section of the Civil Rights Act of 1964 that “protects people from discrimination based on race, color or national origin in programs or activities that receive federal

financial assistance.” While the original law does not offer protections for religious groups, a 2004 policy change reinterpreted the statute to include protections against discrimination based on shared ethnic or national origins irrespective of whether the targeted group shares a religious faith. This new interpretation thus extended federal protections to groups including Sikhs and Jews.

Indeed, the policy was changed specifically to enable investigations of anti-Semitism, according to that policy’s author, Kenneth Marcus. After his tenure at the Office of Civil Rights, Marcus founded an organization specifically dedicated to “combat the resurgence of anti-Semitism on college and university campuses,”²⁸ including through the use of the Title VI regulations that he authored.

The largest and most established American Jewish organizations united behind the new policy that enables the OCR to investigate charges of anti-Semitism and worked together to push the Obama administration to enforce its implementation. In a 2010 letter to Education Secretary Arne Duncan, the top representatives of organized American Jewry, including the Anti-Defamation League, the American Jewish Committee, the Jewish Council on Public Affairs, and Hillel: The Foundation for Jewish Campus Life, wrote of

²⁸ The Louis D Brandeis Center for Human Rights Under Law. <http://brandeiscenter.com/index.php?/about/>

Jewish students facing a “hostile educational environment” on college campuses due to “anti-Israel and anti-Zionist sentiment that crosses the line into anti-Semitism.”²⁹ The Obama administration responded to this advocacy with a reaffirmation of the 2004 policy.³⁰

Under Title VI, it is not enough that discriminatory behavior or acts occur on a campus: the OCR must find that not only did such acts occur, but also when the school administration was made aware of them, it failed to protect the students from the designated group. As the 2010 letter from the Jewish organizations indicates, these advocates for the expansion of the policy aimed for it to cover what they call “anti-Israel and anti-Zionist sentiment,” thus assigning the OCR with the task of discerning between political speech and discrimination.³¹

²⁹ Anti-Defamation League, “Letter to Education Secretary, Re: Anti-Semitic Intimidation on Campus.” http://archive.adl.org/civil_rights/letter_associationjlj_2010.html

³⁰ Office For Civil Rights, “Dear Colleague Letter” http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg5.html

³¹ While a number of dominant American Jewish organizations, including the ADL, promote this use of federal policy and government resources to marginalize, punish, or silence critics of Israel, some have become more circumspect. According to Naomi Zeveloff of *The Forward*, the Jewish Council on Public Affairs, an umbrella organization, faced an internal dispute in 2013 between “those who advocate for a vigorous application of civil rights law to quash anti-Semitism against leaders who

As of 2012, 10 known Title VI complaints alleging anti-Semitism have been filed; six of these complaints involve allegations of anti-Israel activity.³² These six complaints include:

- Barnard University: filed 2011, closed 2012.³³
- Rutgers University, filed in 2011 and closed in 2014.³⁴
- UC Santa Cruz: filed in 2011, closed in 2013.³⁵

worry that this approach might backfire against Jewish students if they are seen as silencing free speech on the topic of Israel.” See Naomi Zeveloff, “JCPA Pressured to Push Title VI Fight” *The Forward* (May 3, 2012).

<http://forward.com/articles/155685/jcpa-pressured-to-push-title-vi-fight/?p=all#ixzz3HejgHepH>

³² Naomi Zeveloff, “Coming Up Empty on Title VI” *The Forward* (March 13, 2012).

<http://forward.com/articles/152691/coming-up-empty-on-title-vi/?p=all>

³³ The Barnard complaint centered on an allegation that a Jewish student was steered away from taking a class on the Middle East with Professor Joseph Massad, suggesting that Professor Massad’s classroom would be a hostile environment for Jewish students. The OCR found there was not sufficient evidence to support the allegation. Ali Abunimah, “US Department of Education throws out Zionist group’s “Civil Rights” Complaint against Barnard College” *Electronic Intifada* (January 14, 2012). <http://electronicintifada.net/blogs/ali-abunimah/us-department-education-throws-out-zionist-groups-civil-rights-complaint-against>.

³⁴ “DOE dismisses baseless complaint” Palestine Legal (September 16, 2014)

<http://palestinelegal.org/news/2014/09/16/1708>; Letter from US Department of Education to Morton Klein, President of ZOA. <https://www.documentcloud.org/documents/1300803-ocr-decision-on-title-vi-complaint-7-31-14.html>

³⁵ Letter from US Department of Education to Carole E Rossi, Chief Campus Counsel of UC Santa Cruz.

- UC Irvine: filed 2004, closed 2007 over lack of jurisdiction, leading to the Zionist Organization of America and other groups to lobby for policy change at the OCR;³⁶ re-filed 2008, closed 2013.³⁷
- Brooklyn College: filed 2013; Brooklyn College general counsel found no merit, ZOA settled with University (see Threats over Co-Sponsorship, 4.2.3).
- UC Berkeley: filed 2013, closed 2013.³⁸ See below for detailed case study.

The OCR investigated all six of these complaints and no complaint was sustained or found to have legal merit, often finding that the university responded to student complaints appropriately (such as in removing anti-Semitic graffiti at UC Santa Cruz) and/or that the allegations of anti-Israel activity actually

http://news.ucsc.edu/2013/08/images/OCR_letter-of-findings.pdf

³⁶ This 2010 note from Morton Klein, president of the Zionist Organization of America, describes the ZOA's involvement with the original Title VI complaint in 2004 and their lobbying efforts to change OCR policy, including enlisting the assistance of members of Congress. <http://zoa.org/2010/10/102797-after-six-year-zoa-campaign-the-u-s-department-of-education-announces-it-will-protect-jewish-students-from-anti-semitic-harassment-under-title-vi/>

³⁷ Letter from US Department of Education to Dr. Michael V. Drake, Chancellor of UC Irvine.

http://ccrjustice.org/files/OCR-UCIrvine_Letter_of_Findings_to_Recipient.pdf

³⁸ Letter from US Department of Education to Robert Birgeneau, Chancellor of UC Berkeley.

http://newscenter.berkeley.edu/wp-content/uploads/2013/08/DOE.OCR_.pdf

referred to robust public speech and did not constitute harassment.

In language repeated in a number of Letters of Findings (to UCSC,³⁹ UC Berkeley,⁴⁰ and Rutgers) the OCR stated 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. In this context, the events [described in the Title VI complaint] do not constitute actionable harassment.”

The OCR published Letter of Findings on each campus contains a detailed description of each allegation as well as the OCR's conclusions.

Title VI complaints have become a tool to limit and undermine Palestinian rights activism on campus, and a formal mechanism for trying to label support for Palestinian rights as anti-Semitism.

³⁹ Letter from US Department of Education to Carole E Rossi, Chief Campus Counsel of UC Santa Cruz.

http://news.ucsc.edu/2013/08/images/OCR_letter-of-findings.pdf

⁴⁰ Letter from US Department of Education to Robert Birgeneau, Chancellor of UC Berkeley.

http://newscenter.berkeley.edu/wp-content/uploads/2013/08/DOE.OCR_.pdf

See Palestine Legal's 2015 report, *The Palestinian Exception to Free Speech*, for detailed summaries of these cases.⁴¹

4.2 Legal Threats against Administrators and Faculty

Groups attempt to limit academic freedom and free speech on campus through other means of intimidating administrators and faculty, including threats of additional legal action. These threats echo the Title VI complaints by including the same themes as those complaints. These are:

- Describing activism on campus against Israeli actions or policy as anti-Semitic;
- Describing Palestinian rights activists and/or Muslim student associations as somehow having connections to "terrorism groups";
- And asserting that Jewish students feel unsafe or intimidated or uncomfortable on campus.

What follows are a few examples of the use of these threats.

⁴¹ The report is available at <http://www.palestinelegal.org/the-palestine-exception>

4.2.1. Connecticut College

In August of 2014, Andrew Pessin, a professor at **Connecticut College**, posted a virulent Facebook post during the war on Gaza, comparing Palestinians – and Gazans in particular – to a caged, rabid pit bull. In letters to the campus paper, some of the students took issue with this comparison, calling on the administration to distance itself from this view.⁴² Lamiya Khandaker, one of Pessin's former students who wrote to the campus paper, was singled out in the *Washington Post's* Volkoh Conspiracy for her religion and political opinion.

*Professor Pessin did not realize that Khandaker was not a student who happened to stumble on a Facebook post she misinterpreted and found offensive, but an anti-Israel activist who had founded her high school's chapter of Students for Justice in Palestine. While one can't tar all chapters with the same brush, in general SJP is a hateful, extremist organization. If there is an overt anti-Semitic incident on a college campus, or real or threatened violence against pro-Israel students, there's a good chance that SJP members are involved.*⁴³

⁴² Kaitlin Mulhere, "Bigotry or Metaphor?" *Inside Higher Ed* (March 25, 2015) <https://www.insidehighered.com/news/2015/03/25/students-criticize-administrations-response-what-they-term-hate-speech-professor>

⁴³ David Bernstein, "The hypocrisy and dishonesty of attacks on Connecticut College professor Andrew Pessin"

This shameful description of Khandaker equates criticism of Israel with anti-Semitism, and makes egregious claims against a multi-faith, multi-ethnic student organization. Further, as a consequence of this post, Khandaker received an deluge of racist hate mail.

4.2.2 “Warning Letter” to Universities

Shurat HaDin / the Israel Law Center, an Israel-based NGO that has received funding and direction from the Israeli government,⁴⁴ leads in the use of this tactic. In September, 2011, they sent out a “warning letter” to hundreds of college and university presidents, “warning they may be subject to civil and criminal liability and ‘massive damages’ if they did not protect the rights of Jewish and Israeli students,” according to the *Chronicle for Higher Education*.⁴⁵ The letter stated that

The Washington Post (April 8, 2015)
<http://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/04/08/the-hypocrisy-and-dishonesty-of-attacks-on-connecticut-college-professor-andrew-pessin/>

⁴⁴ Yossi Gurvitz, “The Israeli government’s official ‘lawfare’ contractor” +972 <http://972mag.com/the-israeli-governments-official-lawfare-contractor/80659/>

⁴⁵ Peter Schmidt, “Advocacy Group Devises ‘Make Friends’ Plan to Buttress Campus Support for Israel” *The Chronicle of Higher Education* (April 27, 2012). <http://chronicle.texterity.com/chronicle/20120427a?pg=6#pg6>

“anti-Israel rallies and events” are often expressions of anti-Semitism.

Among the schools they threatened are all universities in the Ivy League, 39 of the state university system including the largest and most influential schools (University of Texas, University of California, University of Michigan), and many of the most prominent liberal arts colleges in the country with large Jewish populations, including Brandeis University, Oberlin College, Smith College, Wellesley College, Emory University, and George Washington University. The most prominent Historically Black Colleges and Universities (HBCUs) were on their list as well, including Howard University, Morehouse College, and Spelman College.

4.2.3 Threats over co-sponsored events

There are numerous examples of different groups, ranging from the ADL to the AMCHA Initiative to the Brandeis Center, threatening faculty and administrators over planned campus events that feature speakers highly critical of Israeli behavior. Some of the self-designated Israel protectors push for the explicit cancelation of the offending event. Such calls for cancelation make these attempts to silence political speech quite blatant and invite legal questions over limitations put on free speech. The Israel protectors, in attempts to avoid such controversy, have developed a number of tactics short of calling for

cancelation that they use to challenge campus events. These include:

- Claims that featuring a particular speaker or focusing on a particular issue is akin to endorsing a political position;
- Demanding/encouraging “balance” through inviting another speaker or holding a different event to counter the political perspectives expressed in the original event;
- Claiming that Jewish students are made uncomfortable in the classroom or on campus;⁴⁶
- Threats to withhold future funding;

⁴⁶ There are three important things to note about the claim that certain expressions of support for Palestinian rights make Jewish students uncomfortable on campus. First: the reverse is equation is not offered; that is, the ways in which Israel-promoting politics discomfort Palestinian students receives no attention in campus discourse. Second, the discourse over Jewish student discomfort assumes that discomfort on a college campus is inherently negative. However, as educators and self-conscious students know, discomfort is an emotional state that accompanies exposure to and consideration of new ideas. It can be a critical part of learning and growth – two aspects of life that universities intend to foster. And third: at UC Berkeley, and possibly on other campuses, students have been coached to express pain and distress to draw attention away from discussion of Israel and instead focus on Jewish students’ emotions and identity. There is evidence of the use of this intentional emotional performance as a tactic at the UC Berkeley divestment hearings in 2010 (see <http://mondoweiss.net/2010/04/anti-divestment-talking-points-avoid-the-facts-and-charge-anti-semitism> and <http://muzzlewatch.com/2010/09/30/lessons-from-the-uc-berkeley-divestment-effort-hillel-on-campus/>).

- Framing these events as falling within the realm of anti-Semitism, thus contributing to a “hostile environment” for Jewish students. Such framing has potential legal ramifications, as these events are cataloged for the dossiers that organizations such as the Brandeis Center are gathering on different universities, preparing to utilize the available lawfare tools against these universities.

It is important to recall, once again, that while real anti-Semitism does exist and does occasionally emerge on college campuses, the events that these groups seek to undermine do not feature avowed anti-Semites but rather offer a platform for supporters of Palestinian rights and critics of the Israeli government, many of them Jews.

In early 2013, the **Brooklyn College** chapter of Students for Justice in Palestine hosted a panel on the BDS movement with Judith Butler and Omar Barghouti, co-sponsored by the political science department.⁴⁷ In the weeks leading up to the event, Alan Dershowitz, Jewish groups, and elected city and state officials, including

⁴⁷ The New York Times covered the controversy here: http://www.nytimes.com/2013/02/01/nyregion/appearance-by-bds-at-brooklyn-college-spurs-protest.html?ref=nyregion&_r=1&; and here: http://www.nytimes.com/2013/02/05/nyregion/despite-criticism-brooklyn-college-says-speakers-on-israel-can-still-appear.html?_r=0

members of Congress, pushed for the university to withdraw its sponsorship of the event.⁴⁸ The university president (and New York City mayor Michael Bloomberg) defended the practice of open debate on college campuses and backed the event (though both clearly expressing their opposition to BDS).⁴⁹ What is important to note in this case were the tactics used by the event's opposition:

- Claiming that co-sponsoring an event is equivalent to endorsing the main perspectives expressed at that event;⁵⁰
- Demanding/encouraging "balance" through inviting another speaker or holding a different event to counter the political perspectives expressed in the original event;⁵¹
- Claiming that Jewish students are made uncomfortable in the classroom or on campus;⁵²

⁴⁸ Alex Kane, "Brooklyn College Stands Behind BDS event as pressure from elected officials comes down hard" *Mondoweiss* (February 1, 2013).

<http://mondoweiss.net/2013/02/brooklyn-pressure-officials>

⁴⁹ Lisa Goldman, "Despite Controversy, Brooklyn College BDS panel is a non-event" +972 (February 8, 2013)

<http://972mag.com/after-a-week-of-controversy-the-brooklyn-college-bds-event-was-a-non-event/65634/>

⁵⁰ See this short piece on the four Congressional representatives and city officials who weighed in: <http://www.motherjones.com/mojo/2013/02/brooklyn-college-bds-omar-barghouti-judith-butler-israel-palestinian/>; or Alan Dershowitz's essay:

http://www.huffingtonpost.com/alan-dershowitz/does-brooklyn-college-pas_b_2600342.html

⁵¹ Ibid.

⁵² See these articles for examples:

[http://www.huffingtonpost.com/alan-dershowitz/does-](http://www.huffingtonpost.com/alan-dershowitz/does-brooklyn-college-pas_b_2600342.html)

- Threats to withhold future funding, as a City Council member did.⁵³

After the event took place, a number of media outlets, including the Jewish online magazine *Tablet*, published accusations that SJP had discriminated against Jewish students attending the event or attempting to enter the venue. Using the Jewish students' claims as their basis, a number of Israel advocates, including Neil Sher, the attorney who represented the UC Berkeley plaintiff Jessica Felber and who sits on the Board of Trustees of the Brandeis Center, threatened to file a Title VI complaint against Brooklyn College.⁵⁴ The Zionist Organization of America, alongside the Brandeis Center, ended up filing a complaint. CUNY's General Counsel and an outside law firm launched an investigation into potential anti-Semitic discrimination at the BDS event. In April 2013, CUNY released a report of the findings, concluding that there was no evidence of discrimination against Jewish

<http://www.nytimes.com/2013/02/01/nyregion/appearance-by-bds-at-brooklyn-college-spurs-protest.html?ref=nyregion&r=1&>

http://www.nytimes.com/2013/02/05/nyregion/despite-criticism-brooklyn-college-says-speakers-on-israel-can-still-appear.html?_r=0

⁵³ Jenny Anderson, "Amid Criticism, College says event on Israel can Proceed" *The New York Times* (February 4, 2013).

http://www.nytimes.com/2013/02/05/nyregion/despite-criticism-brooklyn-college-says-speakers-on-israel-can-still-appear.html?_r=0

⁵⁴ Alex Kane "Israel Boosters Threaten Civil Rights Claim against Brooklyn College and Suggest barring Student Activists from Campus." *Mondoweiss*. February 14, 2013 <http://mondoweiss.net/2013/02/threaten-brooklyn-activists>

students.⁵⁵ However, as outlined in Palestine Legal's report, *The Palestinian Exception to Free Speech* (2015),

The report failed to quiet critics, who continued to attack CUNY and Brooklyn College.⁵⁶ 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.⁵⁷

⁵⁵ Kane, Alex. "Investigation of Brooklyn College BDS Event Rejects Charges of Anti-Semitism." *Mondoweiss*. April 16, 2013. <http://mondoweiss.net/2013/04/investigation-brooklyn-semitism>.

⁵⁶ Celeste Katz, "Lew Fidler and Council Colleagues: CUNY Review of Pro-Palestine Forum Exclusions Falls Short," *New York Daily News*, May 1, 2013, <https://www.nydailynews.com/blogs/dailypolitics/lew-fidler-council-colleagues-cuny-review-pro-palestine-forum-exclusions-falls-short-blog-entry-1.1694455>; Lori Lowenthal Marcus, "Unacceptable: Brooklyn College Effort to End BDS Event Disaster," *Jewish Press*, May 4, 2013, <http://www.jewishpress.com/news/unacceptable-brooklyn-college-effort-to-end-bds-event-disaster/2013/05/04/0/?print>.

⁵⁷ Brandeis Center, "Brandeis Center Welcomes Brooklyn College Administration's Apology for Its Handling of 2013 Anti-Israel Event: Jewish Pro-Israel Students Vindicated by Apology, Further Action to Protect Civil Rights Will Be Pursued," press release, March 10, 2014, <http://brandeiscenter.com/blog/brandeis-center-welcomes-brooklyn-college-administrations-apology-for-its-handling-of-2013-anti-israel-event-jewish-pro-israel-students-vindicated-by-apology-further-action-to-protect-civil>.

The Zionist Organization of America issued a press release, celebrating this statement and explaining that it filed a Title VI complaint. As a consequence, the Office of Civil Rights mediated a resolution between the college and the students in question.⁵⁸ Palestine Legal notes:

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.

These tactics of labeling critics of Israel and BDS supporters as anti-Semites and condemning campuses for providing a platform for debate have been visible in other attempts to intimidate faculty and administrators from holding certain events. In February 2012 in California, the AMCHA Initiative, an aggressive group spearheaded by

⁵⁸ Susan Tuchman, "ZOA Negotiates Important Victory for Jewish Community at Brooklyn College," press release, March 12, 2014, <http://zoa.org/2014/03/10235694-zoa-negotiates-important-victory-for-jewish-community-at-brooklyn-college/>.

two Israel-aligned UC faculty members, tried to prevent Israeli historian Ilan Pappé from speaking on the campuses of **California State University Northridge**, **California Polytechnic State University**, and **California State University Fresno**.

AMCHA sent an open letter to the top administrators of each university, cc'ing the trustee secretariat of the CSU system and several members of the California State Senate and Assembly.⁵⁹ While AMCHA claimed - emphatically, by putting the following sentence in bold -- that they were "NOT asking that these three events be cancelled or that Ilan Pappé be censored" (capitalization in the original), that was in effect their aim; they asked the universities to pull all funding and sponsorship of the events, which would force them off-campus. While this campaign was certainly an infringement on the free speech of professors - - as we discuss here -- it was also a form of lawfare.

The AMCHA letter included this paragraph:

The fact that events which will undoubtedly foment hatred of the Jewish state and its supporters [referring to Pappé's public lectures] are being organized and promoted by University faculty, senior administrators,

⁵⁹ "Serious Concerns About Abuse of CSU Resources and Name." AMCHA Initiative. February 13, 2012. http://www.amchainitiative.org/pappe_at_csu/

departments, and colleges cannot help but create a hostile environment for Jewish students at CSUF, Cal Poly, and CSUN, in violation of Title VI of the 1964 Civil Rights Act.

The term "hostile environment" echoes the criteria for claiming harassment on par with a Title VI complaint.

Fortunately - like at Brooklyn College - the California State University (CSU) system refused to cancel Pappé's speaking engagements. In a statement, the presidents of the CSUs asserted, "Universities are places where debate, discussion and free ideas are welcome and encouraged. ... Academic freedom and freedom of speech are ... cornerstones ... of a functioning democracy."⁶⁰

An additional example: when **St. Louis University** rented space to the U.S. Campaign to End the Occupation for their "End the Occupation" conference in September 2012, the Brandeis Center issued a press release stating their demand that campus administrators speak out against what they deemed the "anti-Israel and anti-Semitic hate speech," they said was likely at such a

⁶⁰ Cecilie Surasky, "State University Hosts Israeli Historian Ilan Pappé- Says No to McCarthyite Campaign." *MuzzleWatch*. February 18, 2012. <http://muzzlewatch.com/2012/02/18/state-university-hosts-israeli-historian-ilan-pappe-says-no-to-mccarthyite-campaign/>

gathering.⁶¹ The Brandeis Center pointedly did not ask the university to cancel the event, a request that would have entered into murky legal territory. Rather, by framing the U.S. Campaign's advocacy as "hate speech," the Brandeis Center aimed to shape the frame through which the different invested communities - campus, city, wider Jewish community - view this form of organizing and, at the same time, give a warning of legal ramifications the university could face were it to let the event go forward as planned.

4.2.4 Targeting faculty directly

The Global Frontier Justice Center (GFJC), the US front for Shurat HaDin, also tried - and ultimately failed - to force both the CSU administration and California's Attorney General to take administrative and prosecutorial action, respectively, against Dr. David Klein, a mathematics professor at **California State University at Northridge**. In 2012, the GFJC had alleged that Klein, who is an outspoken critic of Israeli policy and is a supporter of the Palestinian-led Boycott, Divestment and Sanctions movement, was "misusing state resources" by discussing the BDS movement on his faculty website.

⁶¹ The Brandeis Center, "Campus anti-Semitism at St. Louis University (August 21, 2012). http://brandeiscenter.com/?/news/news_full/campus_anti_semitism_at_st_louis_university

So far, individual California university administrations have either ignored the baseless and false claims by AMCHA et al., or have come out dismissing the accusations as dangerous attempts to chill free speech and academic freedom. *The Electronic Intifada* reported that:

Klein praised the strong support he has received from university administrators, especially CSUN Interim President Harry Hellenbrand who has publicly stood by Klein's right to free speech. In April [2012], Hellenbrand distributed a public letter on campus titled "J'Accuse: The New Anti-Anti-Semitism"⁶² in which he dismissed accusations of "anti-Semitism" against Klein as "partisan and sectarian" and noted that, "invoking the apparatus of the state to proscribe broad categories of speech in hubs of innovation and disruption like public universities will have the paradoxical effect of chilling public exchange while heating up zealotry."⁶³

⁶² Harry Hellenbrand, "J'Accuse! The New Anti-Anti-Semitism" (April 2012) http://www.csun.edu/sites/default/files/new_anti_anti_semitism_april2012.pdf

⁶³ Ali Abunimah, "In blow to Zionist censors, California backs professor's right to call for Israel boycott on state university website" *Electronic Intifada* (June 5, 2012) <http://electronicintifada.net/blogs/ali-abunimah/blow-zionist-censors-california-backs-professors-right-call-israel-boycott-state>

4.3 Codifying Limitations to Freedom of Speech

One method of stifling debate over Israel/Palestine involves the imposition of limitations on speech, wherein violating these limits brings condemnation and punitive consequences. There are two main speech arenas in which these limitations are being set: through attempts to codify a definition of anti-Semitism that includes critique of Israel, and through the imposition of “civility” expectations into public discourse.

4.3.1 Codifying a Definition of anti-Semitism

A number of Israel-aligned organizations are pushing an effort to formally codify a broad definition of anti-Semitism that could render much activism on behalf of Palestinians as “anti-Semitic.” If this definition were codified into law or policy, it would limit free speech and further constrain activism.

Known as the “EU Working Definition on Anti-Semitism,” the definition was initially drafted by B’nai Brith and the American Jewish Committee and has been cited by the U.S. State Department and legislated into a non-

binding resolution by the California State Assembly.⁶⁴ Despite its name, however, it is not official EU policy, and the agency that originally employed it (the European Union Monitoring Center on Racism and Xenophobia, in 2005) has disavowed its use.⁶⁵ Nevertheless, American organizations continue to promote it. This section will discuss the definition and the insidious manner in which it entered into state policy in California.

The language is as follows:

*Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.*⁶⁶

So far, so good. However, the definition continues with its application to speech or behavior regarding Israel, as follows:

“Examples of the ways in which antisemitism manifests itself with regard to the State of Israel

⁶⁴ Seth Berkman, “Anti-Semitism Fight Hinges on Definition” *The Forward* (September 25, 2012). <http://forward.com/articles/163105/anti-semitism-fight-hinges-on-definition/?p=all>

⁶⁵ Ibid.

⁶⁶ European Forum on Antisemitism, “Working Definition of Antisemitism” <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/english/>

taking into account the overall context could include:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism [sic] (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.⁶⁷

These examples enable the labeling of much criticism of Israel as anti-Semitic. The concept of a “double standard” applied to Israel versus other nations is blurry and impossible to apply and, in addition, echoes the “double standard” accusation that Israel defenders (from the Israeli government to American Jewish organizations) use to deflect criticism of the state. The other examples are also deeply flawed. As the UC Ad Hoc Committee on Jewish Campus Climate put it in a letter to (former) UC President Mark Yudof,

While much of the EU’s definition is fully appropriate and acceptable, the portions of it that relate to the state of Israel are highly problematic. For instance, there are times when it is appropriate to question whether certain individuals place Israel’s interests above that of their own country. Also, while we, as Jews, strongly disagree with many policies of the Israeli government and don’t believe it speaks to our Jewish values, the clause stating that it is inherently anti-Semitic to “hold Jews collectively responsible for the actions of the state of Israel” is exceedingly complex. Both the state of Israel and the mainstream American Jewish establishment claim that Jews are united behind the state of Israel. Indeed, the notion that “wherever we stand, we stand with Israel” is common in many Jewish institutions. By what criteria does one distinguish between the Jewish organizations’ claim to stand with Israel and the concept of holding Jews accountable for Israel’s actions? What makes one of those an inherently anti-Semitic act? We believe that the very existence of the question challenges the usefulness of the EU’s working definition of anti-Semitism.⁶⁸

⁶⁷ Ibid.

⁶⁸ “Letter to President Yudof in response to Jewish Campus Climate Report”
<http://ucjewishcampusclimate.wordpress.com/2012/10/10/letter-to-president-yudof-in-response-to-jewish-campus-climate-report/>

4.3.1.1. Case Study: University of California

In July 2012, University of California President Mark Yudof announced the results of a commissioned report on the Jewish student climate around the UC system. Co-issued by the education chair of the Anti-Defamation League, the report asserted: "Jewish students are confronting significant and difficult climate issues as a result of activities on campus which focus specifically on Israel, its right to exist and its treatment of Palestinians."⁶⁹ Among the recommendations included in the report was one urging the administration to adopt the EU Working Definition on Anti-Semitism to "identify contemporary incidents" which would then "be sanctioned by University non-discrimination or anti-harassment policies."

Some respondents celebrated this report and recommendations. Israel lobby group StandWithUs' chief executive Roz Rothstein applauded this specific recommendation in the UC report, calling it one of the "most important" recommendations, and stated that the EU's working definition "recognizes that anti-Israel extremism is a form of what is called the 'new anti-Semitism.'"

⁶⁹ "University of California Jewish Student Campus Climate Fact-Finding Team Report & Recommendations." <http://cascholars4academicfreedom.files.wordpress.com/2012/07/jewish-climate-fact-finding-report-july-2012-final.pdf>

At the same time, new coalitions came together to oppose it. Hundreds of Jewish UC faculty, students, and alumni signed a letter detailing their criticism of the (misleading, narrow) campus climate report and their rejection of most of the report's recommendations, including the one on the definition of anti-Semitism. Calling themselves the UC Ad Hoc Committee on Jewish Campus Climate, the group asserted

The report and recommendations it includes omit the experiences of many students and faculty in the Jewish community, grossly misrepresent educational initiatives focused on Israel and Palestine and political organizing in support of Palestinian rights, and threaten academic freedom on our campuses.⁷⁰

Thousands of additional people signed onto a petition affirming that message.⁷¹ A coalition of civil rights groups, including CAIR and the National Lawyers Guild, also registered their objections.

To their credit, the UC administration rejected the report's recommendations. In a letter from UC President Mark Yudof to the Ad Hoc

⁷⁰ "Letter to President Yudof in response to Jewish Campus Climate Report" <http://ucjewishcampusclimate.wordpress.com/2012/10/10/letter-to-president-yudof-in-response-to-jewish-campus-climate-report/>

⁷¹ <http://ucjewishcampusclimate.wordpress.com/2012/10/10/more-than-2400-have-signed-our-petition/>

Committee on Jewish Campus Climate, the president explained that current policies extended as far as constitutionally possible and asserted his commitment to students' and faculty's right to free speech.⁷² A victory, then: in the name of free speech, the university rejected codifying the dangerous definition of anti-Semitism.

The story of this anti-Semitism definition did not end there, however. Before the end of the summer, the California State Assembly passed a non-binding resolution - House Resolution 35, or HR-35 - which took the lead from the UC Campus Climate report. HR-35 claimed that Jewish students on UC campuses face "physical aggression, harassment, and intimidation" and cites activism critical of the state of Israel as examples, including BDS initiatives and the use of the term "ethnic cleansing" to refer to Israel's actions.⁷³ HR-35 calls on the UC administration to do more to "confront anti-Semitism on its campuses," including using the EU Working Definition of Anti-Semitism as a guide.

As attorney Liz Jackson (of Palestine Legal) wrote, HR-35 is "an anti-democratic attempt to intimidate and silence students from expressing pro-Palestinian views." HR-35, she

⁷² Letter dated August 8, 2012.

⁷³ California House Resolution 35, Relative to anti-Semitism
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120HR35

continued, "mislabels advocacy for Palestinian rights as inherently anti-Semitic. This is a complete distortion of students' human rights advocacy. To argue that such speech should be restricted, as HR-35 does, is to decimate the principle of free speech and it is plainly unconstitutional."⁷⁴

Student and civil rights groups, including the Council on American Islamic Relations, the Center for Constitutional Rights, Jewish Voice for Peace, and Students for Justice in Palestine, spoke out against this resolution.⁷⁵ The University of California Student Association (UCSA), which represents hundreds of thousands of students across the University of California, passed a resolution repudiating HR-35, calling it "a serious attack on academic freedom" and asserting that it may "embolden university administrators to explicitly curb freedom of expression." The UCSA also reiterated that "the misuse of terms like anti-Semitism does a disservice not only to those

⁷⁴ "University of California Student Petition Against HR-35 Surpasses 1,000 Signatures" *Jadaliyya* (January 9 2013).
<http://www.jadaliyya.com/pages/index/9528/university-of-california-student-petition-against->

⁷⁵ JVP: <http://jewishvoiceforpeace.org/blog/jvp-statement-opposing-ca-assembly-vote-on-limiting-free-speech-at-u-0>.

Statement from California Scholars for Academic Freedom: <http://sjpwest.org/tag/california-scholars-for-academic-freedom/>.

Joint letter from CAIR, CCR, JVP, and a number of other groups opposing HR-35:
<http://library.constantcontact.com/download/get/file/1101295800375-886/HR+35+Letter+PDF+FINAL.pdf>

falsely smeared but also to the legacy of anti-Semitic racism and actual victims of anti-Semitism” and affirmed the legitimacy of Boycott, Divestment, and Sanction initiatives and students’ rights to engage in them. Following passage of the UCSA resolution, SJP promoted a “thank you UCSA” petition that garnered more than a thousand supporters.⁷⁶

While the resolution is non-binding, it reiterates the framing of Palestine activism as anti-Semitic and legitimizes the EU working definition as potentially sound public policy. HR-35 sets a standard that pressures universities and other agencies. And though then-UC President Mark Yudof took a clear stand against banning speech on campuses, he endorsed the framing of criticism of Israel as “anti-Semitic activity” through comments he made on the draft resolution.⁷⁷

⁷⁶ “UC students against HR 35” <https://sites.google.com/site/ucstudentsagainsth35/> and “University of California students mobilize against California bill equating activism with anti-Semitism” (January 10, 2013). <http://mondoweiss.net/2013/01/university-california-activism>

⁷⁷ “Letter From Center for Constitutional Rights and Other Groups to University of California President Advising Him of Need to Protect Pro-Palestinian Speech on Campus” Jadaliyya (December 4, 2012) <http://www.jadaliyya.com/pages/index/8760/letter-from-center-for-constitutional-rights-and-o>

HR-35 was passed on July 22, 2015, after extensive revisions.⁷⁸ Nonetheless, it remains a model for continued use of government resources to threaten critics of Israel and limit freedom of speech on college campuses.

Despite the 2012 rejection of the EU Working Centre definition by the UC President, on May 21, 2015 a group of 57 California rabbis and 104 UC faculty members, led by the AMCHA Initiative, sent a letter to the University of California Office of the President demanding that the UC system adopt the “State Department definition” of anti-Semitism.⁷⁹ As mentioned, the State Department's over-broad definition includes anything that “de-legitimizes,” “demonizes” or applies a “double standard” to Israel. In an interview with Boston’s “Here and Now Radio,” UC President Janet Napolitano personally endorsed the definition.⁸⁰ Tammi Rossman-Benjamin, speaking to *The Forward*, noted that she hoped Boycott, Divestment, and Sanctions protests in which activists erect a wall to symbolize Israel’s separation barrier, and mock

⁷⁸ House Bill 35, Relative to Anti-Semitism https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SCR35

⁷⁹ The AMCHA Initiative, “UC System Must Adopt Definition of Antisemitism to Curb Antisemitic Activity.” <http://www.amchainitiative.org/ask-uc-adopt-us-state-department-def-antisemitism-bulletin/>

⁸⁰ “UC’s Napolitano Speaks Out On High Cost Of Public Ed, Anti-Semitism On Campus” *Here and Now with Robin Young and Jeremy Hobson* (May 21, 2015). <http://hereandnow.wbur.org/2015/05/21/janet-napolitano-anti-semitism-definition>

eviction notices would be defined as anti-Semitic.⁸¹

This obviously raised concerns given that, under some interpretations, any speech critical of Israel or supportive of Palestinian human rights could be deemed anti-Semitic. Jewish Voice for Peace, Palestine Legal, Asian Law Caucus, and UC students and faculty organized, wrote letters, held meetings, and collected signatures against this proposal. The *Los Angeles Times* editorial board even published a piece against adopting the state department definition, along with Kenneth Stern, one of the co-authors of the original European Union definition.⁸² In a win for academic freedom, UC officials tabled the discussion of the definition of anti-Semitism, but instead will propose a statement on intolerance instead in the fall. As of this writing, it is unclear what that statement will include

⁸¹ Nathan Guttman, "Could California Ban Anti-Israel Campus Protests as 'Anti-Semitic' Hate?" *The Forward* (June 10, 2015). <http://forward.com/news/national/309450/what-is-anti-semitism/#ixzz3jxzTYmv1>

⁸² The Times Editorial Board, "How Far Should UC go with an anti-Semitism policy?" *The Los Angeles Times* (July 16, 2015). <http://www.latimes.com/opinion/editorials/la-ed-anti-semitism-20150716-story.html>; Kenneth Stern, "Should a Major University System have a Particular Definition of anti-Semitism?" *The Jewish Journal* (June 22, 2015). http://www.jewishjournal.com/opinion/article/should_a_major_university_system_have_a_particular_definition_of_anti_semit

about anti-Semitism and racism at the University of California.

4.3.2 "Civility" Standards

The concept of "civility" is increasingly being used to stifle free speech on Israel/Palestine. A November 4, 2014 letter from a coalition of civil rights groups, including the Asian Law Caucus, Palestine Legal Project, Center for Constitutional Rights, National Lawyers Guild, and Council on American-Islamic Relations, criticizes the use of civility standards on college campuses. They assert, as follows:

There is no "civility" exception to the First Amendment.

*The use of the vague and highly subjective concept of "civility" has been at the center of a number of recent campus controversies. For example, University of California, Berkeley Chancellor Nicholas B. Dirks faced criticism in September 2014 after issuing a statement pitting "civility" against "freedom of speech." Not only did faculty respond fiercely, but the Chancellor's statement was roundly rejected in the pages of the *Wall Street Journal*,⁸³ the *Los Angeles Times*,⁸⁴ *Inside Higher**

⁸³ Greg Lukianoff, "Free speech at Berkeley-so long as it's 'civil,'" *Wall Street Journal*, (Sep. 8, 2014) <http://online.wsj.com/articles/greg-lukianoff-free-speech-at-berkeleyso-long-as-its-civil-1410218613>.

⁸⁴ Michael Hiltzik, "Free speech, civility, and how universities are mixing them up," *Los Angeles Times*,

*Education,*⁸⁵ *Salon,*⁸⁶ *the Chronicle of Higher Education,*⁸⁷ and *the Washington Post,*⁸⁸ forcing him to backtrack in a subsequent clarification.⁸⁹

Courts are also hostile to the concept of “civility” at public universities, regularly holding that punishment for “incivility” violates the First Amendment. For example, in 2006, San Francisco State University opened an investigation into whether a student organization—the College Republicans—violated the Student Code of Conduct by failing to be “civil” in its interactions with others

(Sep. 9, 2014) <http://www.latimes.com/business/hiltzik/la-fi-mh-free-speech-civility-20140909-column.html>.

⁸⁵ Colleen Flaherty, “The problem with civility,” *Inside Higher Ed* (Sep. 9, 2014) <https://www.insidehighered.com/news/2014/09/09/berkeley-chancellor-angers-faculty-members-remarks-civility-and-free-speech>.

⁸⁶ David Palumbo-Liu, “Civility is for suckers: Campus hypocrisy and the ‘polite behavior’ lie,” *Salon* (Sep. 10, 2014) http://www.salon.com/2014/09/10/civility_is_for_suckers_campus_hypocrisy_and_the_polite_behavior_lie/.

⁸⁷ Peter Schmidt, “Pleas for civility meet cynicism” *Chronicle Of Higher Education*, (Sep. 10, 2014) <http://chronicle.com/article/Pleas-for-Civility-Meet/148715/>

⁸⁸ Eugene Volokh, “Free Speech And Civility At Universities” *The Washington Post*, (Sep. 9, 2014). <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/09/09/free-speech-and-civility-at-universities/>.

⁸⁹ Ken White, “Follow-up: U.C. Berkeley Chancellor Nicholas Dirks Gets Free Speech Right This Time,” *PopeHat*, (Sep. 12, 2014) <http://www.popehat.com/2014/09/12/follow-up-u-c-berkeley-chancellor-nicholas-dirks-gets-free-speech-right-this-time/>.

on campus. After its members stomped on flags of Hamas and Hezbollah at a campus rally, students complained the act was not “civil” because the flags also depict the Arabic word for God. The University initiated disciplinary proceedings, but did not ultimately sanction the group. Nevertheless, the College Republicans sued SFSU in federal court for unconstitutionally chilling its speech through an investigation. The College Republicans prevailed; in his ruling, federal magistrate Judge Wayne D. Brazil made clear that requiring “civility” on campus at threat of investigation or sanction is unconstitutional:

[A] regulation that mandates civility easily could be understood as permitting only those forms of interaction that produce as little friction as possible, forms that are thoroughly lubricated by restraint, moderation, respect, social convention, and reason. The First Amendment difficulty with this kind of mandate should be obvious: the requirement “to be civil to one another” and the directive to eschew behaviors that are not consistent with “good citizenship” reasonably can be understood as prohibiting the kind of communication that it is necessary to use to convey the full emotional power with which a speaker embraces her ideas or the intensity and richness of the feelings that attach her to her cause.⁹⁰

⁹⁰ See, e.g., *College Republicans at San Francisco State University v. Reed*, 523 F.Supp.2d 1005, 1019 (N.D. Cal. 2007).

Courts have also rejected attempts to regulate the “uncivil” behavior of university faculty. In one case, a professor was awarded \$125,000 in attorney’s fees after prevailing under the First Amendment when the university punished him for uncivil speech with “violent overtones.”⁹¹ The court found his behavior, though “adolescent, insulting, crude and uncivil,” was nevertheless protected under the First Amendment.⁹²

Because the concept of “civility” is so elastic, it risks being applied unfairly and selectively on the basis of political disagreement; indeed, it has recently been deployed to castigate students or faculty members who express criticism of the Israeli occupation.

At **Ohio University**, the student government president parodied the “Ice Bucket Challenge” by enacting a “Blood Bucket Challenge” to draw attention to recent atrocities in Gaza. After outcry from people who disagreed with the student’s point of view, Ohio University authorities condemned the student by invoking the concept of “civility.” Dozens of faculty members responded in an open letter noting that “[d]ramatic nonviolent actions – draft-card burnings, lunch-counter sit-ins, and even self-immolations – capture public attention and spark reactions in an effort to create public

debate and social change.”⁹³ Because the student’s expression is clearly protected under the First Amendment, university administrators’ public condemnation was inappropriate and runs the risk of chilling student expression on matters of public concern.⁹⁴

4.4. Disciplinary Measures and Criminal Prosecution

Arab and Muslim student groups have faced unique consequences for their political engagement. On a number of campuses, Arab and Muslim students, and students whose activism expresses strong criticism of Israel, have faced disciplinary hearings, investigations, and criminal proceedings for behavior which, when displayed by other students and in settings not related to Israel-Palestine, does not trigger such responses. Outside groups, such as the ADL, label the student activism as anti-Semitic or uncivil and urge the administration to punish the students.

⁹¹ See *Bauer v. Sampson*, 261 F.3d 775, 783 (9th Cir. 2001).

⁹² *Ibid.*

⁹³ “Open letter by dozens of OU faculty supports Megan Marzec,” *The Athens News*, (Sep. 10, 2014) <http://www.athensnews.com/ohio/article-43169-open-letter-by-dozens-of-ou-faculty-supports-megan-marzec.html>.

⁹⁴ <http://palestinelegal.org/wp-content/uploads/2014/11/2014.11.04-FAU-Civility-and-freedom-of-speech.pdf>

For instance, at **Florida Atlantic University** in 2013, five students protested a talk by an Israeli soldier. Two silently held a banner, one student read a short statement, and others silently walked out of the event, causing a brief disruption. Five students were subsequently investigated for disciplinary violations. Facing a protracted legal process with the university, they chose to sign an agreement that put them on probation and prohibits them from holding leadership positions in recognized student organizations for the duration of their undergraduate careers. The ADL, among other organizations, had accused the students of anti-Semitism and pressured the university to take action against them.⁹⁵

At **Northeastern University in Boston,**

Students for Justice in Palestine have faced outsized threats and punishment for common political behavior, and in March 2014, they were banned from campus for a year and their officers permanently banned from holding leadership positions in the organization. Following intensive campaigns protesting the punishment,⁹⁶ SJP was reinstated, effective September 2014.⁹⁷

⁹⁵ <http://palestinelegal.org/2013/08/12/ccr-nlg-adc-criticize-fau-for-treatment-of-students-disciplined-for-protesting-idf-soldier-event/>

⁹⁶ <http://www.change.org/p/northeastern-university-reinstate-sjp-and-drop-all-charges-against-its-members>

⁹⁷ <http://www.northeasternsjp.org/current-situation.html>

Pressure over Israel/Palestine activism on Northeastern campus has existed for a number of years, largely led by Charles Jacobs, founder of the David Project and the group Americans for Peace and Tolerance (AFPT). AFPT has campaigned against **Northeastern's** SJP chapter, calling them anti-Semites who promote the murder of Jews.⁹⁸ That group, along with the ZOA, has targeted campus professors, including the director of the Middle East Center, and threatened the university with filing a Title VI complaint.⁹⁹

In 2013, after staging a brief walkout at an event featuring Israeli soldiers, the group was placed on probation and forced to issue a "statement of civility."¹⁰⁰ In 2014, the group distributed mock eviction notices across campus, an action that SJP chapters on other campuses have used to draw attention to the eviction of Palestinians from their homes, without facing disciplinary consequences.¹⁰¹ Within two days of the eviction action at Northeastern, the administration brought in the campus police department and sent officers to

⁹⁸ <http://peaceandtolerance.org/campus/shame-on-neu/129-northeastern-u-s-students-for-justice-in-palestine-cheerlead-hamas-and-call-for-the-murder-of-jews>

⁹⁹ <http://electronicintifada.net/content/jewish-student-receives-death-threats-over-palestine-solidarity-work/12890>

¹⁰⁰ <http://mondoweiss.net/2014/03/northeastern-university-interrogation>

¹⁰¹ <http://www.bostonglobe.com/metro/2014/03/13/suspension-pro-palestinian-student-group-northeastern-stirs-debate/fzDKNcTFeRyKLTpXbRIHO/story.html>

students' residences. Northeastern Hillel issued a statement saying that the eviction action "intimidated students in their homes." The university administration denounced the behavior that they said "causes members of our community to feel targeted and/or intimidated," thus affirming the politicized framing by which Palestinian rights activism is interpreted as directly threatening Jewish students.

4.4.1: The Irvine 11 Prosecution

In February 2010, a group of students attending the University of California at Irvine and the University of California at Riverside, all Muslim students, nonviolently disrupted a speech given by Michael Oren, the Israeli ambassador to the US. Oren spoke at a public event on UC Irvine's campus in which he defended Israel's attacks on Gaza in the winter of 2008-2009. Some of the students who took part in the protest had relatives who were killed or injured in Israel's attacks.

During Oren's speech, ten students stood up one by one and shouted various slogans, such as "Michael Oren, propagating murder is not an expression of free speech!" and were led out of the lecture hall by security. Others in the crowd who supported Oren shouted back racist epithets and threats at the students as they were being taken out of the room.

Each of the students was patted down and arrested by police as University officials publicly assured the crowd that there would be

disciplinary action taken against the students. As a large group of students inside the room left in collective protest, another student who was not a part of the vocal protest was detained and arrested by police for undisclosed reasons, bringing the total number of students arrested to eleven. This group was called "The Irvine 11."

Following the protest, the University of California placed the Muslim Student Union at UC Irvine on a three-month suspension and two years' probation. However, the punishment did not end there. For nearly a year afterwards, the Orange County District Attorney's office initiated a lengthy investigation into the students' personal lives, empaneled a grand jury, and built a criminal case against the students, which resulted in a trial in September 2011.

After days of witness testimonies and assertions by the prosecution that the students had violated the First Amendment rights of a foreign official, the students were convicted of misdemeanor charges -- of "conspiracy to disrupt a public meeting" -- under an obscure and rarely-used California penal code, **which could have carried a sentence to up to six**

months in jail. They were sentenced to community service.¹⁰²

It was clear that the Orange County District Attorney's office employed discriminatory double standards against the Irvine 11. In May 2010, for example, a lecture at UC Irvine by Nazi Holocaust survivor and Palestine solidarity activist Hedy Epstein was interrupted by Israel-aligned members of the audience who yelled threats and racist insults at her. No action was taken by the Orange County government, nor by the University.

It is the job of university administrators to make sure all students are protected, safe and free from racism, harassment and discrimination. However, the example of the Irvine 11 provides some important insight into what Palestinian solidarity activists -- notably those from the Muslim and Arab communities -- can face when exercising their right of free speech.

¹⁰² For a detailed summary of this case, please see Palestine Legal's 2015 report, *The Palestinian Exception to Free Speech*.

5. THREATS TO FACULTY

The Israel advocacy organizations that hope to influence campuses are increasingly turning their attention to faculty.

In late August 2015, the Washington Institute for Near East Policy released a 12-minute video, “Navigating the Complex Politics of Israel on Campus: Advice From a Parent.” Featuring Washington Institute Executive Director Robert Satloff, the video offered a range of advice to parents and students to counter pro-BDS groups on campus, and named JVP and SJP as principal campus groups “virulently calling for the destruction of Israel.” Midway through the video, Satloff instructs students and parents to monitor and report professors who support an academic or cultural boycott of Israel. After urging students to consult the USACBI website and determine if their professor has endorsed the boycott before choosing courses, Satloff continues, “be aware, be informed, check with other students about how these professors teach...if you experience the slightest problem in class connected to this issue, [for example] if your professor advocates for a boycott of Israel in class...talk with your advisor, tell campus authorities, let Hillel know, or contact the Israel On Campus Coalition.” Satloff urges parents, “if

you hear about an incident like this from your child, contact the Dean, President or Provost of the university.” The video advocates, in disturbing fashion, for students and parents to single out and spy on professors, in a clear attempt to curtail academic freedom and intimidate faculty who choose to exercise constitutionally protected political speech.¹⁰³

The focus on faculty contributes to the ever-growing list of academics who have had their cases for tenure – or their very employment – hinge on their political positions rather than their academic work. The cases below represent a few of the more egregious examples of targeting academics over their political views or expression.

5.1. Nadia Abu El-Haj, Barnard College

Nadia Abu El-Haj is a Palestinian-American professor of Anthropology at Barnard College where she is also affiliated with the Human Rights Program. In September 2006, during Dr. Abu El-Haj’s tenure review, Paula Stern (a 1982 Barnard alum) launched an online campaign against Professor Abu El-Haj. Ms.

¹⁰³ “Dealing with the anti-Israel movement on campus: Advice to students and their parents” *Mosaic Magazine* (August 20, 2015)
<<http://mosaicmagazine.com/picks/2015/08/dealing-with-the-anti-israel-movement-on-campus-advice-to-students-and-their-parents/>>

Stern, who resides in a Jewish settlement in the West Bank, [writes](#) that “Abu El-Haj is rooted in a political tradition that rejects the right of the Jewish people to have a state. She conceptualizes Israel as an illegitimate ‘colonial settler’ enterprise. She has urged Columbia to ‘divest from all companies’ that sell even defensive military supplies to Israel.” In this letter, Ms. Stern encourages others to contact Barnard President Shapiro in regards to Dr. Abu El-Haj’s tenure case. The [online petition](#) (which received 2,700 signatures) urges that Dr. Abu El-Haj’s tenure case be rejected because of her “demonstrably inferior caliber, her knowing misrepresentation of data and violation of accepted standards of scholarship” in her book *Facts on the Ground: Archeological Practice and Territorial Self Fashioning in Israeli Society*. It is notable that Dr. Abu El-Haj had been approved for tenure by three out of four academic committees before the attacks began; and that University of Chicago Press, which published *Facts on the Ground*, uses double-blind peer review for book submissions.

Dr. Paul Manning of Trent University created a [counter-petition](#) supporting Dr. Abu El-Haj’s tenure and garnered more than 2,000 signatures. In addition to arguing that Dr. Abu El-Haj’s publication underwent sufficient scholarly review, the counter-petition states, “We believe that these attacks on Ms. Abu El-Haj are part of an orchestrated witch-hunt (reminiscent of course of McCarthyism) against politically unpopular ideas. We also believe that Ms. Abu El-Haj has been singled

out from among many other authors who make the same points essentially because of her last name, thus, we suspect that something like simple ethnic prejudice is at issue here.”

Barnard College awarded Dr. Abu El-Haj tenure in November 2007.

5.2. Rabab Abdulhadi, San Francisco State University

Rabab Abdulhadi, a Palestinian-American feminist scholar who teaches at San Francisco State, has been an ongoing target of the AMCHA Initiative. AMCHA has accused the professor of “promoting terrorism,” asking if she uses her access to undergraduates to “recruit new soldiers.”¹⁰⁴ AMCHA’s allegations against Abdulhadi range from the professor’s advisory role with Palestinian student groups, to alleging that she used university-supported travel to the Middle East to “promote anti-Semitic...boycotts of Israel.”¹⁰⁵ Groups that joined AMCHA in attacking Abdulhadi and urging the SFSU administration to investigate her include the Brandeis Center, Scholars for

¹⁰⁴ <http://www.amchainitiative.org/sfsu-professor-promoting-terrorism/>

¹⁰⁵ <http://www.amchainitiative.org/amcha-write-sfsu-president-leslie-wong-regarding-sfsu-professor-of-ethnic-studies-rabab-abdulhadi-egregious-misuse-of-university-and-taxpayer-funds/>

Peace in the Middle East (SPME), the Zionist Organization of America (ZOA), StandWithUs, and the Simon Wiesenthal Center. Among other claims, AMCHA reiterated the threat of legal action against the university by raising the specter of a hostile campus climate.

Abdulhadi, an Ethnic Studies scholar who researches and teaches on Palestine, and who traveled to the West Bank and Jordan to explore collaboration between universities there and SFSU, received an outpouring of support¹⁰⁶ from thousands of people who defended her to the SFSU administration. In her response to AMCHA's allegations, Abdulhadi answered each accusation with detailed explanation and asserted that these allegations are part of a "concerted intimidation campaign to limit academic freedom and suppress viewpoints critical of the Israeli state."¹⁰⁷ Moreover, the allegations do real damage to professors and to campus environments: "students and faculty have been consumed by defending our right to speak freely" and "these smear campaigns affect our...career opportunities" as well as "subject us to unwarranted government scrutiny of our speech activities."¹⁰⁸ That is, even when the university finds no just cause for the AMCHA-led attack, the attention the attack brings and

¹⁰⁶http://org.salsalabs.com/o/641/p/dia/action3/common/public/?action_KEY=15912

¹⁰⁷<http://palestinelegal.org/download/Public%20Statement%20-%20Abdulhadi%20-%20June%202014.pdf>

¹⁰⁸ Ibid.

the resources dedicated to opposing it are damaging in and of themselves.

Following an investigation, SFSU president issued a statement declaring that the university "found no merit" in the allegations that Abdulhadi misrepresented her travel to the university.¹⁰⁹ The administration released a statement saying "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."¹¹⁰

5.3 Norman Finkelstein, DePaul University

Norman Finkelstein was a professor of political science at DePaul University, specializing in the Israeli-Palestinian conflict as well as the Holocaust. In 2007, Rev. Dennis Holtschneider (DePaul's university president) upheld the tenure board's decision to deny Finkelstein tenure, despite the fact that the Department of Political Science and the College of Arts and

¹⁰⁹<http://palestinelegal.org/2014/06/19/san-francisco-state-university-president-defends-professor-rabab-abdulhadis-travel-and-research-after-latest-mccarthyist-campaign/>

¹¹⁰ <http://news.sfsu.edu/news/allegations-improper-faculty-travel-investigated-no-merit-found>

Sciences voted to grant him tenure as well as two outside experts on the Arab-Israeli conflict. While the Middle East Studies Association (MESA) and other professors (including Mehrene Larudee who was also denied tenure) at DePaul supported Finkelstein, Alan Dershowitz was his harshest critic.

As early as 2005, Dershowitz was in contact with Father Holtshneider and Patrick Callahan (the former chair of the political science department). As Finkelstein was up for tenure, Dershowitz e-mailed DePaul faculty members [attacking](#) his “shoddy scholarship” and “one-sided agitprop.” While the university claims these attacks did not influence their decision, Michael Budde (the Political Science department chair) said that “Everyone has been offended by the degree of outside pressure which shows no respect for the integrity of our process and institution.”

5.4. Terri Ginsberg, North Carolina State University

Dr. Terri Ginsberg was a visiting film studies professor at North Carolina State University where she was considered as the best candidate for a tenure-track position. However, after Ginsberg made comments critical of Israel - 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 - she was no

longer considered a candidate for the position and was dismissed from her position as visiting professor.¹¹¹ On three occasions, university officials denied Ginsberg a hearing. She was denied an appeal for discretionary review by the Supreme Court of North Carolina after losing in two lower courts.¹¹² After a prolonged search for a new position in the United States, Terri Ginsburg is now the Assistant Professor of Film at the American University of Cairo.

5.5. Rashid Khalidi, Columbia University

Rashid Khalidi is Edward Said Professor of Arab Studies at Columbia University and director for Columbia’s Middle East Institute at the School of International and Public Affairs. Although Khalidi has not faced any opposition from officials at Columbia regarding his tenure, Israel advocates David Horowitz, Martin Kramer, Daniel Pipes and Michael Rubin have criticized Khalidi for being “anti-Israeli” and “anti-American” in his scholarship. Another point of contention is his supposed role of spokesperson of the Palestinian Liberation Organization (PLO) during the 1970s and

¹¹¹ Nora Barrows-Friedman, “Uphill Battle for Academic Freedom in US Universities,” *Electronic Intifada*, January 11, 2010, <http://electronicintifada.net/content/uphill-battle-academic-free-dom-us-universities/4771>.

¹¹² <http://electronicintifada.net/blogs/nora/legal-battle-ends-larger-struggle-continues-professor-denied-tenure-because-her-politics>

1980s which some argue explains his propaganda for Palestinians. Despite these attacks, Columbia University has defended Khalidi. However, in the mid 2000s, Khalidi was prohibited from lecturing New York City public school teachers because of his descriptions of Israel.¹¹³ According to Palestine Legal's *The Palestinian Exception to Free Speech*, "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."

5.6 Joseph Massad, Columbia University

Joseph Massad is an Associate Professor of Modern Arab Politics and Intellectual History at Columbia University. The scandal surrounding Massad began when an unregistered student, Daniel Hertz, started attending Professor Massad's course and began blogging about the "inaccuracies in Massad's lectures." Eventually, Massad asked the student to leave his course after finding out that the university requires students to register even if only

¹¹³<http://www.nytimes.com/2008/10/31/nyregion/31khalidi.html>

auditing it. Despite fourteen professors who protested granting Massad tenure -- although none of these professors worked in the School of Arts & Sciences -- and pressure from the organizations Campus Media Watch, the Committee for Accuracy in Middle East Reporting, and the David Project, the university granted Massad tenure in 2009.

5.7 Kristofer Petersen-Overton, Brooklyn College

In 2011, Brooklyn College dismissed Peterson-Overton, a doctoral student at the City University of New York, claiming he did not hold a Ph.D.¹¹⁴ It was revealed that Brooklyn college alum (and New York Assemblyman) Dov Hikind, who denounced the professor as an "overt supporter of terrorism" may have played a part in his dismissal. Petersen-Overton remarked that Hikind "launched a highly orchestrated campaign of old-fashioned character assassination, and managed to pressure the Brooklyn College administration into rescinding my appointment as an adjunct lecturer there that semester." His case was supported by students and faculty alike and after an internal review from the Political

¹¹⁴ Graduate students who are on their way to, but have not completed, their PhD, teach many college courses across the country.

Science faculty the College reversed their decision and re-hired him.¹¹⁵

5.8 Steven Salaita, University of Illinois Urbana-Champaign

In 2014, the Dean of the College of Arts and Sciences at the University of Illinois Urbana-Champaign offered a tenured position to indigenous studies scholar Steven Salaita, which he accepted. Days before his appointment was scheduled to begin, and just before the Board of Trustees meeting in which the appointment was to be affirmed, UI University Chancellor Phyllis Wise notified Salaita that she was withdrawing the offer. While Salaita's appointment had not yet received formal Board approval at the time of Wise's decision to rescind the offer, the American Association of University Professors (AAUP) has explained that such approval is not uncommonly granted after an appointment begins. For them, this incident is a case of "summary dismissal, an action categorically

inimical to academic freedom and due process."¹¹⁶

The reasons Wise offered for the turnaround were not related to Salaita's scholarship or teaching reputation, both of which met the approval of the UI American Indian Studies program and the College of Arts and Sciences. Rather, Wise rescinded the employment offer after Salaita's tweets about Israel during June and July 2014, when Israel was conducting military operations in Gaza, became a source of controversy and allegations of anti-Semitism. Statements released by Wise and the Board of Trustees, which backed her decision, state that the university is committed academic freedom *but* also to "civility" both "in and outside the classroom." Wise wrote

*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.*¹¹⁷

Wise and the UI Board of Trustees thus found that academic freedom meets its limit in "disrespectful" speech, and they chose to rescind a scholarly appointment based on the

¹¹⁵ Scott Jaschik, "Adjunct Wins Back Course," *Inside Higher Ed*, February 1, 2011, https://www.insidehighered.com/news/2011/02/01/brooklyn_college_restores_rescinded_teaching_position_for_course_on_middle_east.

¹¹⁶ <http://coreyrobin.com/2014/08/31/salaita-by-the-numbers-5-cancelled-lectures-3-votes-of-no-confidence-3849-boycotters-and-1-nyt-article/>

¹¹⁷ <http://www.news-gazette.com/news/local/2014-08-23/updated-wise-explains-salaita-decision-gets-support-trustees.html>

scholar's disrespectful expression on social media. The AAUP, in protest, argued

*that faculty comments made on social media, including Twitter, are largely extramural statements of personal views that should be protected by academic freedom. While Professor Salaita's scholarship does appear to deal with the topic of Palestine, his posts were arguably not intended as scholarly statements but as expressions of personal viewpoint. Whether one finds these views attractive or repulsive is irrelevant to the right of a faculty member to express them. Moreover, the AAUP has long objected to using criteria of civility and collegiality in faculty evaluation because we view this as a threat to academic freedom. It stands to reason that this objection should extend as well to decisions about hiring, especially about hiring to a tenured position.*¹¹⁸

The decision to rescind Salaita's appointment touched off extensive protest against the Chancellor in particular and the university more broadly. The American Indian Studies program, which announced that the Chancellor did not consult with them before making her decision, cast a vote of no confidence in the Chancellor's leadership.¹¹⁹ The Asian American

¹¹⁸ <http://www.aaup.org/media-release/statement-case-steven-salaita>
¹¹⁹

<http://www.nytimes.com/2014/09/01/education/illinois-university-prompts-outcry-for-revoking-job-offer-to-professor-in-wake-of-twitter-posts-on-israel.html>

Studies department, philosophy department, English department and 12 other departments also cast no confidence votes.¹²⁰ The American Historical Association, Modern Language Association, and American Studies Association issued statements criticizing the UI decision and the dangers posed to academic freedom.¹²¹ Many scholars canceled their long-planned campus events, including talks, films, and conferences. The university then faced a boycott endorsed by nearly 6,000 academics,¹²² the condemnation and censure of the American Association of University Professors,¹²³ and other consequences, including an ongoing lawsuit.¹²⁴ Both the Chancellor and the Provost involved in Salaita's firing stepped down in August of 2015.¹²⁵

Private correspondence made public through the Illinois Freedom of Information Act reveals

¹²⁰ <http://my.chicagotribune.com/#section/-1/article/p2p-81540056/>

¹²¹ <http://coreyrobin.com/2014/09/03/e-mail-the-university-of-illinois-board-of-trustees/>

¹²² <http://coreyrobin.com/2014/08/31/salaita-by-the-numbers-5-cancelled-lectures-3-votes-of-no-confidence-3849-boycotters-and-1-nyt-article/>

¹²³ American Association of University Professors, Statement on Case of Steven Salaita, Aug. 7, 2014, <http://www.aaup.org/media-release/statement-case-steven-salaita>.

¹²⁴ Center for Constitutional Rights, *Salaita vs Kennedy*, et al <http://www.ccrjustice.org/home/what-we-do/our-cases/salaita-v-kennedy-et-al>.

¹²⁵ <http://nypost.com/2015/08/06/university-of-illinois-chancellor-resigns-amid-controversy/>;
<http://www.chicagotribune.com/news/local/breaking/ct-university-of-illinois-provost-20150824-story.html>

that “university alumni, donors, students, parents of students and members of the Champaign-Urbana Jewish community” wrote to UI administration in July 2014 objecting to Salaita joining the UI faculty, and a number of donors threatened to withhold contributions.

¹²⁶

The Salaita affair, the most recent and most public case of Israel/Palestine conflict entering into academic employment, highlights two key political dynamics of this current moment: the use of “civility” to limit free speech and academic freedom, and its application outside of the classroom and in the realm of social media; and the impact and reach of private donors.

¹²⁶ <http://www.news-gazette.com/news/local/2014-09-02/salaita-prompted-donors-fury.html>

6. ISRAEL-ALIGNED ORGANIZATIONS ON YOUR CAMPUS

The following is a list of organizations who work directly on college campuses across the US -- either directly paid by the Israeli government, or affiliated with larger pro-Israel lobby groups -- to promote Israel's image, to stifle Palestine solidarity activism and to intimidate students and faculty from discussing Israel's policies.

The Louis D. Brandeis Center for Human Rights Under Law

www.brandeiscenter.com

Based in Washington, DC, the Brandeis Center was founded in 2011 to “promote the civil and human rights of the Jewish people.” It focuses on North American college campuses, advocating legal remedies such as Title VI investigations to what it considers anti-Semitism and anti-Israelism. **Kenneth Marcus**, the Brandeis Center’s founder, president and general counsel, is one of the key actors behind changing the Title VI regulations to enable complaints to be filed against universities in the name of Jewish students.

Marcus explained his theory on the relationship between campus anti-Semitism and advocacy for Israel in a column in the *Jerusalem Post*.¹²⁷ He explained, "Anti-Semitism is at the root of intractable anti-Israel animus." As he puts it, "That is the only rational explanation for the extraordinary double standards Israel always faces in the international community." Such "hard-core haters" have strong influence on campuses "because university culture" gives them "disproportionate credence." These haters, he explains, "are not persuaded by informational campaigns because their attitudes are more psychological than intellectual." That is - the opposition to Israel on campuses stems from psychological characteristics, including hatred for all Jews, and not from any sound, rational or intellectual argument.

The Brandeis Center uses the language of "justice for all," "equal opportunity" and "civil discourse" - all core ethical values and legal obligations in the United States - for their campaign to "combat" anti-Semitism on college campuses. They offer themselves to campuses as resources for best practices on free speech, academic freedom, and discrimination. In addition to promoting the use of Title VI to undermine campus criticism of Israel, the Brandeis Center is also strong advocate for the adoption of what is widely known as the "EU Working Definition of Anti-Semitism." This "working definition" conflates speech and activism critical of the state of Israel with anti-Semitism, such that while much of the definition accurately describes anti-Semitic behavior and speech, the Israel sections render the definition unworkable.

The Brandeis Center shares an overlap of people and mission with other groups. Kenneth Marcus is on the board of Scholars for Peace in the Middle East, and a number of other SPME Board members serve on the Board of the Brandeis Center (Richard Cravatts, president of Simmons College) or its Academic Advisory Board (Tammi Rossman-Benjamin, lecturer at UC-Santa Cruz and co-founder of AMCHA). Aryeh Weinberg, who also sits on the Academic Advisory Board, is Director of Research at the Institute for Jewish and Community Research. Neil Sher and Joel

¹²⁷ <http://www.jpost.com/Opinion/Op-Ed-Contributors/Must-we-combat-anti-Semitism>

Siegel, who are involved with a number of Title VI complaints, serve on the Brandeis Center's [Legal Advisory Board](#).

The AMCHA Initiative

www.amchainitiative.org

AMCHA [focuses on](#) “manifestations of harassment and intimidation of Jewish students on colleges and university campuses,” with specific attention paid to the University of California system. AMCHA uses legal maneuvers, threats of legal action, and public appeals to influence university administrators, including UC President Mark Yudof, Presidents of the Cal State Universities, and Faculty Senates. They define anti-Semitism broadly, including in their definition any support of BDS and other forms of advocacy and activism against the Israeli occupation or on behalf of Palestinian rights. AMCHA specifically targets Muslim and pro-Palestinian student groups, such as the Muslim Student Association and Students for Justice in Palestine, whom they regularly label “terrorist” or terrorist-supporting. They also target faculty whom they believe to be insufficiently pro-Israel.

AMCHA was formed in 2012 by Tammi Rossman-Benjamin, a lecturer in Hebrew and Jewish Studies at UC Santa Cruz, and Leila Beckwith, professor emeritus at UCLA. Rossman-Benjamin and Beckwith also [founded](#) the [Investigative Taskforce on Campus anti-Semitism](#), which does similar work on a national level. Beckwith also sits on the board of [Scholars for Peace in the Middle East](#) (see below for more on SPME).

American Jewish Committee

| www.ajc.org

Founded in 1906, the American Jewish Committee is one of the oldest Jewish advocacy groups in the United States. Originally founded to oppose anti-Jewish pogroms in Russia and the erosion of Jewish civil rights in America, the AJC went through a drastic change after the 1967 War, transforming itself into an international advocate for the Jewish State.

Americans for Peace and Tolerance

| <http://peaceandtolerance.org/>

Americans for Peace and Tolerance, founded by Dr. Charles Jacobs, calls college campuses “hotbeds of Islamic extremism and hostile environments for Jewish students who support Israel.” They publish “exposes” to argue their claims, with a special focus on Northeastern University and the University of California system.

Anti-Defamation League

| www.adl.org

Founded in 1913, the Anti-Defamation League began its life as a civil rights organization, dedicated to fighting anti-Semitism and other forms of bigotry and discrimination. Though this remains the official mission of the ADL, and is still an aspect of their work, in recent years they have refocused much of their efforts on defending Israel from criticism.

Several high-ranking members of the ADL have written books characterizing the Palestine solidarity movement as a “virulent” new form of “anti-Semitism,” and they have accused groups such as Jewish Voice for Peace of “using its Jewish identity to shield the anti-Israel movement from allegations of anti-Semitism.”

Campus Watch

| www.campus-watch.org

Formed in 2002 by right-wing political commentator Daniel Pipes, Campus Watch takes it upon itself to monitor Middle Eastern Studies departments for so-called “anti-Israel” or “anti-American” bias. It calls upon students to spy on their professors and to report to Campus Watch on anything they found to be insufficiently critical of Islam.

In the past, they have published lists of professors who did not meet their standards, though after widespread criticism they withdrew these lists. Campus Watch is an initiative of the Middle East Forum, a right-wing think tank that works to promote American interests in the Middle East and to “protect” the United States from Islam.

David Project

| www.davidproject.org

The David Project was founded in 2002 by Charles Jacobs, with the stated goal of creating a pro-Israel attitude on college campuses. Jacobs believed that mainstream Jewish organization had failed in this regard. The David Project works by training Jewish students to defend Israel from criticisms and then helping to coordinate Israel activist activities. In recent years, the Project has sought to become more mainstream.

Global Frontier Justice Center

| <https://www.facebook.com/pages/Global-Frontier-Justice-Center/353042808066594>

Founded in 2012, the Global Frontier Justice Center is a legal organization that pursues lawsuits against those who speak out against Israel, accusing them of hate speech and anti-Semitism.

Hasbara Fellowships

| www.hasbarafellowships.org

The Hasbara Fellowships is an organization founded in 2001 by Aish HaTorah and the Israeli Ministry of Foreign Affairs. It describes itself as “the largest and most comprehensive Israel education and activism program for North American university students.”

Each year, the Fellowships takes hundreds of students on a 16-day trip to Israel, where they meet with Israeli government officials and are trained to become pro-

Israel advocates on their campuses. Since 2001, they claim to have trained 1,800 students from 250 colleges. The Hasbara Fellowships has an annual income of \$1.134 million.

Hillel

| www.hillel.org

The largest Jewish campus organization in the world, Hillel serves as the center of Jewish community life for thousands of students on 550 campuses around the globe. Hillel is not an openly political organization, and in theory is only concerned with the cultural, religious, and communal aspects of Jewish life on campus. However, its Guidelines with regard to Israel prohibit cooperation or co-sponsorship with any group that supports boycott, divestment, or sanctions against Israel and effectively marginalize and exclude many critics of Israel from participation in Hillel-supported Jewish campus life.

Institute for Jewish & Community Research

| www.jewishresearch.org

The IJCR is a San Francisco-based think tank that investigates anti-Semitism and anti-Israelism, between which they see little difference, in the American educational system. They believe that anti-Israel activism violates Jewish students' civil rights and have called for legal action against those who participate in it.

Israel Action Network

| www.israelactionnetwork.org

Created by the Jewish Federations of North America and the Jewish Council for Public Affairs, the Israel Action Network exists solely to combat what they refer to as "the assault on Israel's legitimacy." They have tasked themselves with mobilizing the American Jewish community in fighting back against any organized criticism of Israel,

specifically focusing on the BDS movement. The Israel Action Network is very active on campuses, where they fund and support pro-Israel programming. They also publish guides for students about how to oppose BDS and other “anti-Israel” activism.

Israel on Campus Coalition

| www.israelcc.org

An umbrella organization, the Coalition was founded in 2002 by Hillel and the Charles and Lynn Schusterman Family Foundation. It consists of 33 organizations, all of which are committed to supporting pro-Israel activities on campuses. The Coalition claims to act as a central coordinating nexus for implementing a pro-Israel agenda on campuses.

The Lawfare Project

| www.thelawfareproject.org

The Lawfare Project exists to “fight” against the use of western and international laws to hold Israel and the United States responsible for rights violations. They see any legal efforts by Palestinians or their supporters to take action against Israel, including the Palestinian UN Bid last year, and the European Union’s recent directive, as threats.

It should be noted that their website was created by Conference of Presidents of Major American Jewish Organizations.

Scholars for Peace in the Middle East

| <http://spme.org/>

Scholars for Peace in the Middle East is an international non-profit that seeks to combat what they see as anti-Semitic and anti-Israel views and statements within academic communities and publications. SPME has stated that, while criticism of

Israel is not necessarily anti-Semitic, the current movement to focus international pressure on Israel is. Thus, SPEM strongly opposes the academic boycott.

Shurat HaDin

| www.israelawcenter.org

Shurat HaDin, also known as The Israeli Law Center, was founded in 2002 and is a non-governmental organization based out of Tel Aviv. They say they are dedicated to fighting terrorism through the courts. They have been involved in numerous cases against Iran, Syria, and groups they accuse of supporting terrorists. They also threatened to sue the US pension fund giant TIAA-CREF if it allowed a shareholder vote on divestment, and pursued a lawsuit against former president Jimmy Carter, alleging that his book "Palestine: Peace Not Apartheid" was deceptive and wrong.

Israeli journalist Yossi Gurvitz calls Shurat HaDin a "GONGO" - government operated non-governmental organization" because they have received funding and direction from the Israeli government.¹²⁸

StandWithUs

| www.standwithus.com

Founded in 2001, StandWithUs's mission is to raise support among American Jews for Israel. StandWithUs enjoys close relations with the Israel Ministry of Foreign Affairs, and is most active on American campuses, where it funds pro-Israel student groups. StandWithUS claims no political orientation, and says that it merely exists to counter anti-Israel propaganda.

¹²⁸ <http://972mag.com/the-israeli-governments-official-lawfare-contractor/80659/>

However, a 2009 report showed that they received funding from a number of far-right Islamophobic organizations, and they have been very active in combating J Street, who they consider to be an anti-Israel group.

Significantly, StandWithUs also has “a documented track record of aggressively taunting and intimidating grassroots peace activists,” as Jewish Voice for Peace stated in a press release after the group violently assaulted JVP members at a meeting in Berkeley, California, in 2010.

Zionist Organization of America

| www.zoa.org

Founded in 1897, the Zionist Organization of America was one of the first Zionist groups in the United States, and was one of the most prominent during much of the early 20th century. Since then, it has gone through a marked decline in membership, though it remains an important Zionist group.

The ZOA is a full charter member of the Conference of Presidents of Major American Jewish Organizations. These days, the ZOA focuses on improving the Israeli-American relationship and on fighting against what they see as a marked anti-Israel bias in the American media. They are also involved in legal efforts to suppress pro-Palestinian organizing on campuses.

Canary Mission

| www.canarymission.org

Founded in 2015, Canary Mission is a database “created to document the people and groups that are promoting hatred of the USA, Israel and Jews on college campuses in

North America."¹²⁹ Using social media accounts, it documents activists across the country who are involved in the Palestine solidarity movement, compiling profiles of each of them in order to warn future employers. As their video targeting such employers puts it, "It is your duty to ensure that today's radicals are not tomorrow's employees."¹³⁰

Unlike other organizations in the list, Canary Mission is notable in that its funders, organizers, and staff is all anonymous, and the website itself is hosted by a company that specializes in anonymous webhosting.¹³¹ The website casts a wide net, in that it includes those who were supporters of Palestinian human rights as students and whose current work is more or less apolitical. This is a form of modern day McCarthyism.

¹²⁹ www.canarymission.org [accessed August 24, 2015]

¹³⁰ www.commondreams.org/further/2015/06/02/canary-mission-ensuring-todays-radicals-are-not-tomorrows-employees

¹³¹ <http://forward.com/news/308902/shadowy-web-site-creates-black-list-of-pro-palestinian-activists/>;
http://www.americanthinker.com/blog/2015/06/meet_the_canary_mission.html

7. RESOURCES FOR ADVOCACY, ADVICE, AND LEGAL SUPPORT

In order to support students working on Palestine solidarity issues and action campaigns, many civil rights and legal advocacy organizations are ready to lend advice.

Below are a few resources for fighting the narrowing of debate on Israel/Palestine on campus:

Palestine Legal (www.palestinelegal.org)

Palestine Legal is an independent organization dedicated to protecting the civil and constitutional rights of people in the US who speak out for Palestinian freedom. They provide legal advice, Know Your Rights trainings, advocacy and litigation support to college students, grassroots activists and affected communities who stand for justice in Palestine. Palestine Legal also monitors incidents of repression to expose trends in tactics to silence Palestine activism.

The Center for Constitutional Rights (www.ccrjustice.org)

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.

The National Lawyer's Guild Free Palestine Committee

(<http://www.nlginternational.org/com/main.php?cid=11>) has a rich collection of resources on student free speech on campus.

The American Civil Liberties Union (ACLU) makes a strong defense of free speech rights (<http://www.aclu.org/free-speech>), including right to protest, student speech, and censorship, all on first amendment grounds. The ACLU of Northern California has a particularly strong set of resources due to its involvement in UC issues (https://www.aclunc.org/issues/freedom_of_press_and_speech/index.shtml). You can find your local ACLU affiliate here: <http://www.aclu.org/affiliates>

For information about how to request a **FOIA (Freedom of Information Act) request**, see Public Citizen's resource page here: <http://www.citizen.org/Page.aspx?pid=5171>

Open Hillel (<http://www.openhillel.org/index.php>), the student coalition trying to overturn Hillel International guidelines that exclude critical viewpoints and student organizations from the formal Jewish community.

Organizations that support student and faculty organizing on campus include:

- **National Students for Justice in Palestine** (<http://sjpnational.org/>)
- **US Campaign to End the Israeli Occupation** (<http://www.endtheoccupation.org/section.php?id=319>)
- **Jewish Voice for Peace** (<https://jewishvoiceforpeace.org/campus-organizing/>)

8. APPENDIX I: QUESTIONNAIRE To JVP-UCLA FROM HILLEL UCLA, APRIL 11, 2014

1. What is the mission of JVP?
2. Who's involved?
3. Do you have a board?
4. Are you a registered student group?
5. How does an affiliation with Hillel further your group's goals?
6. Do you see yourself aligned with the current Mission of Hillel at UCLA?
7. How do you intend to further the Mission of Hillel at UCLA?
8. Do you intend to try to support and Open Hillel campaign at UCLA? If yes, please elaborate.
9. What's your position on BDS?
10. What's your position on refugees?
11. What's your position on a two-state vs. one-state solution?
12. What's your position on Hamas?
13. Is Omar Barghouti an anti-semitite? Please explain.
14. Please provide at least five examples of potential speakers who share your mission who you intend to invite to speak at your events?
15. Which other student or national groups are official and unofficial allies of JVP?
16. What is your relationship with SJP?
17. How many of your leaders are also members / allies of SJP?
18. Do you plan to co-sponsor an event with SJP at Hillel?
19. Please provide several examples of SJP positions, tactics or sponsored-speakers with which you disagree (if any):
20. Do you plan to publicize in conjunction with SJP? If so, how? Facebook? Listserve? Website? Blog?

21. What about ElectronicIntifada and similar websites?
22. Do you plan to blog about JVP?
23. What about JVP's involvement with Hillel?
24. How would you respond to concerns that other students at Hillel might have about what they perceive to be SJP's attacks on dialogue and OTI?
25. How would you respond to concerns that other students at Hillel might have about feeling bullied by pro-BDS students?
26. Do you support campaigns which seek to 'shame' pro-Israel students or USAC reps who vote against divestment for their positions or views? Please elaborate.
27. What are your intentions vis-à-vis Hillel at UCLA? Do you see yourselves endeavoring to be a part of the wide-range of Jewish programming and networks at Hillel, or is JVP a single-focus group?
28. All of our Student Leaders and Micro-Communities are accountable to a member of our staff, other students, the Hillel community in general, and to a Matrix of Expectations. Does that make sense for JVP? Are there any specific items in the Matrix of Expectations that might be problematic for JVP or its members? If so, please expound. Here's an example of a Matrix of Expectations:

Hillel Leadership Council Matrix of Expectations 2013 - 2014			
Goal: Create Meaningful Jewish Experiences for ourselves and others, positively represent our micro-communities to Hillel and the greater campus community, be the bridge between our micro-communities and other Hillel leadership, strategically partner on Hillel programming, engage social networks which may include students who are currently on the periphery of Jewish Life at UCLA.			
<i>Leader</i>	<i>Collaborate & Communicate</i>	<i>Supporting the Cohort</i>	<i>Personal Engagement</i>
Share leadership training and development with board members and other active micro-community leadership bodies	Intentionally partner and collaborate with each other on programming	Gain insight and work together to build a greater sense of community in the larger Hillel setting	Personally engage members of your community over throughout the quarter
Coordinate with staff on Hillel programming and marketing, including calendaring major events before the beginning of the quarter, etc.	maintain open lines of communication that allow everyone to be in the know about everything happening in the greater Jewish Bruin community at Hillel at UCLA	Meet with your staff team supervisor bi-weekly to discuss program planning and review status of community engagement	Assist in recruiting participants for Hillel's immersive experiences (Birthright, Alternative Breaks)
Share Hillel events on FB and other marketing tools	represent the perspectives and needs of our niche communities at Hillel and work to ensure those needs are being met in a meaningful way	Attend Hillel Leadership Council meetings	Attend Hillel's Birthright Winter Trip if eligible or Alternative Spring Break trip with Hillel

29. Are you planning to blog or otherwise publicize about your involvement with Hillel at UCLA? If yes, please elaborate on your goals.

30. If Hillel at UCLA is unable to accommodate your request, are you planning to blog or otherwise publicize that? If yes, please explain the goals of doing so.
31. Where are you planning to publicize your events?
32. Are you primarily interested in debate, or dialogue (see below)? Please explain.
33. Do you, or your allies, currently employ, or plan to employ theatrical anti-dialogue tactics such as jeering, covering mouths with tape, or staging walk outs?
34. Please provide a few examples, if any, of anti-Semitic rhetoric you may have encountered in anti-Israel contexts.
35. Please provide a few examples, if any, of Islamophobic rhetoric you may have encountered in pro-Israel contexts.
36. Is Israel an apartheid state? Please explain.
37. Is Zionsim racism? Please explain.
38. Can Israel be a Jewish state?
39. Can Israel be Jewish and Democratic?
40. Did Israel sterilize Ethiopians? Please explain.
41. How would you describe the tactical orientation of your potential membership and allies? We are specifically interested in whether or not members and allies would consider themselves sympathetic to militancy as a social action orientation.
42. How is being affiliated with JVP as a national organization important helpful to you?
43. If so, please respond to the following articles:
 - a. <http://newvoices.org/2010/12/28/0128-3/>
 - b. <http://www.adl.org/israel-international/anti-israel-activity/c/background-jewish-voice.html>

Dialogue

Dialogue is the understanding of myself and others.

- I listen openly and compassionately with the view that I want to understand.
- I listen for strengths, so I can affirm and learn, and to hear other viewpoints.

- I speak for myself using my own experiences and understanding, and examine my own assumptions.
- I ask questions to increase understanding, and am willing to temporarily suspend my beliefs.
- I allow others to complete their communications.
- I concentrate on others' words, feelings, body language, and other modes of communication.
- I respect others' experiences as true and valid for them, and want to work with others to come to new understandings.
- I respect the expression of feelings in myself and others.
- I honor silence.
- I look for ways to keep the conversation going, even in conflict.

Debate

Debate is the successful argument of my position over that of an opponent.

- I listen in order to counter what I hear, and am closed to new ideas
- I listen for weakness, so I can discount and devalue what I hear.
- I speak based on my own assumptions about others experiences and motives, in an effort to prove that I am right.
- I ask questions in order to control the conversation, or to confuse; I look for ways to affirm my own beliefs or "win."
- I interrupt or change the subject.
- I focus on the point I want to make next.
- I critique others' experiences as distorted or invalid or wrong.
- I distrust the expression of feelings as manipulative or less than legitimate.
- I am anxious in silence or use it to gain advantage.
- I look for ways to end the conversation, when I am uncomfortable.