

Motion Sequence #2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of,

AHMAD AWAD, SOFIA DADAP, SAPPHIRA
LURIE, and JULIE NORRIS,

Petitioners,

-against-

FORDHAM UNIVERSITY,

Respondent,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules.

Index No. 153826/2017

AFFIDAVIT OF BEN LORBER

Hon. Nancy M. Bannon

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Ben Lorber, being duly sworn, deposes and says:

1. I am the Campus Coordinator for Jewish Voice for Peace (JVP). JVP is a national membership organization of individuals inspired by Jewish tradition who work together for peace, social justice, and human rights. I make this Affidavit in support of Petitioners Ahmad Awad, Sofia Dadap, Sapphira Lurie, and Julie Norris, and in opposition to Respondent's Motion to Dismiss.

2. As Campus Coordinator for JVP, I work with JVP campus chapters across the country. I have held this position for two years. In my role as Campus Coordinator, I maintain close contact with students in JVP and Students for Justice in Palestine (SJP) chapters across the country, helping them put on events, bring speakers, and develop programming related to social justice

and Palestinian rights for their campuses. JVP campus chapters work closely with SJP and other campus organizations to raise awareness about Israel's systematic violations of Palestinian rights and to support and develop boycott, divestment, and sanctions (BDS) campaigns for Palestinian rights. Much like the student-led boycott and divestment campaigns aimed at ending Apartheid in South Africa in the 1970s and 1980s, BDS campaigns have been a driving force behind student activism in recent years.

3. SJP and JVP clubs in dozens of schools have launched BDS campaigns aimed at passing student government resolutions or student body referenda calling on their respective colleges or universities to divest from corporations that profit from Israeli human rights abuses. Students raise awareness for these campaigns by organizing educational events such as academic panels, Know-Your-Rights workshops, teach-ins, art installations, and more. Because of the awareness raised by these campaigns, many student divestment resolutions and referenda have successfully passed. I have personally worked with JVP students and campus chapters at dozens of colleges and universities that have launched and/or supported such BDS campaigns with their local SJPs, and I have been impressed with the positive impact these campaigns have had on their respective college campuses.

4. BDS campaigns should be credited for the positive educational impact they have had on college campuses. At their core, BDS campaigns are aimed at raising awareness about an important political and human rights issue. By fostering dialogue and debate, and by exposing students to issues related to Israel and Palestine, BDS campaigns have helped to further the educational missions of numerous colleges and universities. BDS campaigns have promoted discussion and learning about Israel and Palestine inside and outside the classroom, including in traditional media and online. On campuses where SJP has introduced a divestment resolution, I

have heard Jewish and non-Jewish students, on both sides of the issue, express gratitude that the BDS campaign has opened up space for more speech, more learning, and more critical interrogation of the issues on campus.

5. BDS campaigns also help create a culture of civic engagement on campuses. By inspiring students to investigate their university's financial investments, determine whether such investments align with their moral convictions, and take action to build what they consider to be a more just campus, BDS campaigns embody the American tradition of civic engagement at its finest. In my time as Campus Coordinator, I have seen BDS campaigns on campus after campus transform the student climate from one marked by apathy and political indifference to one driven by committed civic engagement on Israel and Palestine and a number of related issues. BDS campaigns have also inspired some students to become involved in student government: student government candidates have run on pro- or anti-divestment platforms, and many students attend and often participate in student government meetings and hearings when divestment resolutions are being considered.

6. Unfortunately, in recent years in particular, organizations aligned with Israel have invested enormous resources into countering the growing solidarity movement for justice and equality on college campuses. In June of 2015, news outlets reported that Sheldon Adelson, the U.S.-based casino magnate and owner of the Israeli newspaper Israel HaYom, held a secret Las Vegas summit that raised between \$20 and \$50 million dollars to fight BDS campaigns on campuses.¹ For years, under the banner of defending Israel, advocacy organizations have launched attacks against those who advocate for Palestinian rights, particularly students. Seeing campuses as a primary forum where knowledge and perceptions about international issues like

¹ Nathan Guttman, *Secret Sheldon Adelson Summit Raises up to \$50M for Strident Anti-BDS Push*, THE FORWARD, June 9, 2015, <http://forward.com/news/israel/309676/secretsheeldon-adelson-summit-raises-up-to-50m-forstrident-anti-bds-push>.

Israel and Palestine are developed, they have helped shape troubling definitions of anti-Semitism that conflate criticism of Israeli government policies with anti-Jewish hatred in order to limit open debate on college campuses and intimidate students, faculty, and administrators from engaging on the issue. The intent of these silencing tactics is to shut down conversation before it can even begin. In doing so, these groups often incorrectly portray college groups advocating for justice and equality for Palestinians, including SJP and JVP chapters, as anti-Semitic and accuse them of supporting terrorism.

7. During the course of my work with students involved with JVP and SJP, I have become familiar with a handful of Israel-aligned organizations that are hostile to the campaigns and public education work that JVP and SJP chapters engage in. Some of these organizations employ troubling tactics to harass, intimidate, bully, and defame students who advocate for Palestinian rights. For example, the David Horowitz Freedom Center has plastered numerous college campuses with posters explicitly equating students' human rights advocacy with anti-Semitism and terrorism and, in many cases, listing the names of JVP and SJP student and faculty members on campus. The posters provided to Dean Eldredge by the Fordham Jewish Students Organization and included in Fordham's Motion to Dismiss are two examples of these harassment tactics. *See* Eldredge Affidavit Exhibit D at 5 and 6.

8. In addition, in 2015, JVP published a report about how Israel advocacy organizations use false charges of anti-Semitism to limit debate on campus, titled "Stifling Dissent."² Our report documents some of the suppression tactics used by groups like the AMCHA Initiative, the Israel on Campus Coalition (ICC), Scholars for Peace in the Middle East, and the Anti-Defamation League (ADL).

² JEWISH VOICE FOR PEACE, STIFLING DISSENT (2015), *available at* https://jewishvoiceforpeace.org/wp-content/uploads/2015/09/JVP_Stifling_Dissent_Full_Report_Key_90745869.pdf.

9. I have noticed that these groups sometimes repeat unsupported accusations made against members of SJP and JVP, and often these unsupported accusations are amplified on rightwing Zionist publications like the *Algemeiner*. In “Stifling Dissent,” we urged schools to be aware of this trend and to “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 documents submitted by Fordham, as part of its Motion to Dismiss the lawsuit, are drawn literally from the pages of outside organizations and news outlets that avowedly and uncritically defend Israeli government policies and actively seek to delegitimize and suppress speech critical of Israel, such as the ADL, the ICC, and the *Algemeiner*. Sources such as this, with the express purpose of attacking critics of Israel, should not be counted upon to provide a reliable, objective picture of SJP campus activism.


10. As campus coordinator for JVP, I have witnessed numerous instances when SJP chapters have been wrongly maligned or inaccurately tarred as anti-Semitic based purely on their activism and advocacy for Palestinian rights and their criticism of Israeli government policies. The most common erroneous allegation made by Israel-aligned organizations against SJP groups and other advocates for Palestinian rights is that student advocacy for Palestinian rights creates a hostile environment for Jewish students aligned with the state of Israel. For example, one document submitted by Fordham as part of its Motion to Dismiss the lawsuit, entitled “Sampling of Students for Justice in Palestine (SJP) & Others Attempts to Disrupt Freedom of Assembly and Freedom of Association of Jewish and Pro-Israel Students,” contains a litany of allegations to the effect that, by protesting uncritical events held by Israel-aligned groups like Hillel and StandWithUs based on their inaccurate and one-sided portrayals of the conflict – and often, their

³ *Id.* at 8.

open support for unjust Israeli policies – SJP groups threaten the civil rights of, and create a hostile campus atmosphere for, Jewish students. Wenzel Affidavit Exhibit V at 2-4. The narrative that such activism creates a ‘hostile’ or ‘extremist’ campus climate for Jewish students is repeated in the ADL and ICC profiles of SJP submitted by Fordham, as well.

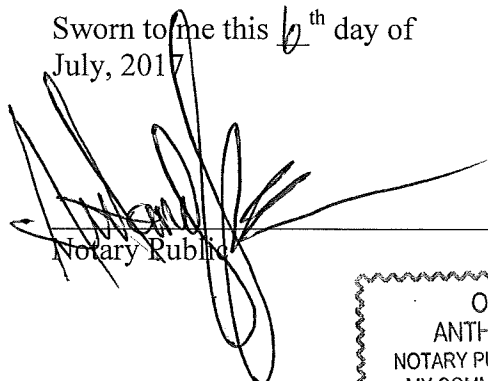
11. It must be remembered that student advocacy for Palestinian rights is part of a rights-based movement, and its goal is to achieve justice and equality for Palestinians. It does not target Jews, but targets the policies of the nation-state of Israel and companies that enable or are complicit in oppression. The hundreds of student activists for Palestinian rights that I have worked with rigorously distinguish between criticism of the policies of Israel as a nation-state, on the one hand, and hate speech targeting Jews as a religious or ethnic group, on the other. While it may be uncomfortable for Israel-aligned students, Jewish or otherwise, to hear hard facts and alternative viewpoints about, and to witness others’ passionate opposition to, the policies of the state of Israel, this discomfort must not be confused with real threats to safety of an ethnic or religious group. Challenging political assumptions and pre-conceived notions should be seen as a robust part of one’s college experience, where personal and political beliefs are interrogated and debated.

12. What SJP groups and other advocates for Palestinian rights are doing on campuses is exactly that: advocating a position for the internationally recognized rights of a people that is challenging decades of entrenched U.S. foreign policy and views that are held almost uniformly by the political elite. Their passion, creativity, deeply held principles of fairness and justice, and commitment to educating their communities should be encouraged and embraced, not censored and punished.



Ben Lorber

Sworn to me this 10th day of
July, 2017



Notary Public

