



April 18, 2018

VIA EMAIL AND FIRST-CLASS MAIL

Andrew Hamilton, President
New York University
70 Washington Square South
New York, NY 10012

Dear President Hamilton:

We write on behalf of the Zionist Organization of America (ZOA), the oldest and one of the largest pro-Israel organizations in the U.S., whose leaders have included U.S. Supreme Court Justice Louis Brandeis and Rabbi Dr. Abba Hillel Silver. Much of our work is dedicated to fighting anti-Semitism in all its forms, in schools and on college campuses. The ZOA filed the first complaint of campus anti-Semitism that the U.S. Department of Education's Office for Civil Rights ever investigated under Title VI of the Civil Rights Act. We led the successful fight to ensure that Jewish students would be protected from anti-Semitic harassment and discrimination under Title VI. In 2016, the ZOA's efforts triggered an independent investigation into allegations of anti-Semitism at The City University of New York.

We were appalled to learn that last week, two NYU student groups, Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP), proudly announced that they had amassed "an unprecedented coalition" of approximately 50 student groups at NYU to (1) boycott Israeli goods – plainly targeting and discriminating against Israelis and Jews because goods made by Palestinian Arabs were specifically exempted from the boycott; (2) boycott Israeli academic institutions and conferences; and (3) boycott several off-campus pro-Israel groups, including the Anti-Defamation League (ADL) and the ZOA.

In addition, this coalition shockingly pledged to boycott NYU's pro-Israel student clubs, Realize Israel and TorchPAC, by not co-sponsoring any events with them. In short, marshalled by SJP and JVP, at least 50 student organizations committed themselves to marginalizing, ostracizing, and shunning other NYU students simply because they support Israel, rather than SJP's and JVP's goal to harm and destroy the Jewish state. The obvious objective is to silence students who support Israel, who otherwise risk being isolated and blacklisted on campus.

Last Monday, an NYU spokesperson issued a statement expressing the University's opposition to "any kind of boycott or official refusal by some student groups to interact with other student groups because of differing points of view," noting that SJP and JVP's boycott campaign "is at odds with our traditions and values, especially our core belief in the free exchange of ideas." In addition, the spokesperson encouraged SJP and JVP "to find a pathway forward to engage in constructive dialogue."

Respectfully, the administration must do much more. Encouraging SJP and its ally JVP to engage in constructive dialogue falls on deaf ears and will not change NYC SJP's well-established "[anti-normalization](#)" policy which provides: "We reject any and all collaboration, dialogue, and coalition work with Zionist organizations through a strict policy of anti-normalization and encourage our comrades in other organizations to do the same."

Furthermore, SJP and JVP are violating numerous NYU rules and policies, as well as state and federal law, warranting sanctions. Their registered status should be revoked, and the administration must put a stop to their campaign to bully students into submission and silence simply because the students support the State of Israel.

SJP's and JVP's Hateful and Divisive Tactics

Having worked with students on campuses across the U.S., we are very familiar with the hateful and divisive tactics of SJP and JVP. Despite its name, SJP is not focused on improving the lives of Palestinian Arabs. The Jerusalem Center for Public Affairs (JCPA) recently published a detailed [study](#) about SJP, debunking SJP's claim that it is a "grassroots" student group fighting for justice. In fact, the JCPA report describes SJP as "a terror-affiliated anti-Semitic network" that is "overtly anti-Semitic, incites hatred and violence against Jewish students, and rejects the existence of the state of Israel in any borders."

Likewise, despite its appealing name, JVP is no Jewish voice for peace. It supports SJP's anti-Israel BDS efforts and partners with groups (like SJP) that deny Israel's right to exist. As the Anti-Defamation League (ADL) [reported](#), "JVP uses its Jewish identity to shield the anti-Israel movement from allegations of anti-Semitism and to provide the movement with a veneer of legitimacy."

SJP denies being anti-Semitic, but consider what this hate group did just last week at Columbia University when students commemorated the Holocaust. The commemoration had nothing to do with Israel or its policies and practices toward the Palestinian Arabs. Yet SJP organized a [protest](#) for that very day – knowing full well that it would upset and hurt Jewish members of the community – calling for an intifada and chanting, "From the river to the sea, Palestine will be free!" SJP's deliberate cruelty was unmistakable: While students remembered and mourned the murder of six million Jews and the attempted genocide of the Jewish people, SJP and its cronies called for violence against innocent Israelis and Jews and for the destruction of the Jewish State of Israel.

Marginalizing, Bullying and Shunning Jewish and Pro-Israel Students with the Goal of Silencing Them Violates NYU's Rules and Policies

SJP's and JVP's tactic at NYU – to galvanize at least 50 student groups to isolate and spurn a small handful of other student groups simply because they support Israel – is a new and despicable low, violating everything that NYU – a university "graciously opened to all" – stands for.

NYU's Code of Ethical Conduct reflects the University's commitment to "equal treatment, opportunity, and respect in its relations with its faculty, administrators, staff, students, and others who come into contact with the University." The Code makes clear that "[e]very member of the community is prohibited from discriminating" on the basis of religion, national origin and many other protected categories, and from "emotionally abusing, or harassing anyone." SJP and JVP are inciting and engaging in the very actions that NYU has declared abhorrent and intolerable.

Their actions violate numerous NYU rules and policies – warranting the imposition of severe sanctions and penalties – including the following:

- NYU's Rules for the Maintenance of Public Order, which prohibit (1) "interference with or disruption of the regular operations and activities of the University"; and (2) "denial of, or unreasonable interference with, the rights of others – including persons not members of the University community who are present as invitees or licensees – on University premises. These rights include the right of academic freedom as well as constitutionally protected rights."
- The University Policy on Student Conduct, which prohibits (1) "behavior which jeopardizes the health or safety of the University community, or disrupts the educational activities and supporting services of the University"; (2) the "suppression of ideas" and "the forceful disruption of the regular and essential operations of the University community"; and (3) interference with the University administration's "right to control the access to and use of institutional facilities."
- NYU's Non-Discrimination and Anti-Harassment Policy, which prohibits discrimination (i.e., adverse treatment of any student based on, among other characteristics, religion, national origin, and ethnicity) and harassment (which "includes conduct that creates an intimidating, hostile, or offensive academic or residential environment or otherwise adversely affects academic opportunities or participating in an NYU activity or benefit"). Prohibited harassment may include "hostile behavior" such as insulting or degrading another person or group.

SJP's and JVP's Actions May Violate State and Federal Law

In addition to violating NYU's own rules and policies, SJP's and JVP's actions may violate state and federal law. Section 296(13) of New York's Human Rights Law prohibits boycotts based on national origin, among several other protected categories. The law states, in relevant part:

It shall be an unlawful discriminatory practice (i) for any person to discriminate against, boycott or blacklist, or to refuse to buy from, sell to or trade with, any person, because of the race, creed, color, national origin or sex of such person, or of such person's partners, members, stockholders, directors, officers, managers,

superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person willfully to do any act or refrain from doing any act which enables any such person to take such action.

N.Y. Exec. Law § 296(13) (McKinney 1982), Violators of the law are liable for damages and “such other remedies as may be appropriate.” See *id.* at § 297(9).

New York courts have “broadly read” Section 296(13) “to encompass all forms of discrimination involving commercial endeavors.” *Harvey v. NYRAC, Inc.*, 813 F. Supp. 206, 212 (E.D.N.Y. 1993). The law prohibits “not only boycotts imposed by foreign entities, but any business tactics, utilized in New York State or against a New York resident or corporation, which are driven by ‘religious or racial bigotry’.” *Scott v. Massachusetts Mut. Life Ins. Co.*, 86 N.Y.2d 429, 436 (1995). Bigotry is precisely what is motivating SJP’s and JVP’s actions.

In June 2016, New York State made its abhorrence for anti-Israel boycotts even clearer, when Governor Andrew Cuomo issued Executive Order No. 157, directing state entities to divest all public funds supporting the BDS campaign against Israel. Governor Cuomo understands exactly what is driving BDS proponents like SJP and JVP, [calling](#) BDS “a new front [that] has opened in the fight against Israel’s existence. Just as the U.S.-Israel relationship has developed a robust and burgeoning commercial dimension, the threats against Israel have acquired one. There are those who seek to weaken and undermine Israel through the politics of discrimination, hatred and fear.”

Governor Cuomo [issued](#) an explicit warning to everyone in New York, including the NYU community, about engaging in anti-Israel boycotts:

New York will not tolerate this new brand of warfare. New York stands with Israel because we are Israel and Israel is us. Our values — freedom, democracy, liberty and the pursuit of peace — are collective, as is our drive to achieve them.

. . . If you boycott Israel, New York will boycott you.

Furthermore, SJP’s and JVP’s hateful and divisive tactics are creating a hostile learning environment for Jewish, pro-Israel and Israeli students, in violation of federal law. As you surely know, as a recipient of federal funding, NYU is required under Title VI of the Civil Rights Act to take prompt and effective steps to remedy a hostile anti-Semitic learning environment and prevent it from recurring. (We refer you to the “Dear Colleague” letter issued by the Assistant Secretary for Civil Rights on October 26, 2010, which clarifies that Jewish students are protected under Title VI: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.) NYU’s failure to comply with Title VI could mean a loss of federal funding.

Requested Relief

For all the foregoing reasons, we urge you to take the following steps:

- Publicly condemn SJP and JVP for orchestrating a campaign to intimidate, threaten and discriminate against other students simply because these students do not support the destruction of Israel, with the ultimate goal of shutting down Jewish and pro-Israel voices and views on the NYU campus.
- Publicly condemn as hateful, inflammatory and anti-Semitic the numerous falsehoods set out in the pledge that SJP and JVP orchestrated and that approximately 50 other student groups signed, including that (1) “More than 700,000 Palestinians were violently expelled from their homes by Zionist militias”; (2) the State of Israel engages in a “campaign of ethnic cleansing of Palestine”; (3) Israel is occupying the so-called West Bank and the Golan Heights, with no regard for the necessary background and context; (4) Israel is engaging in a “brutal siege of Gaza”; and (5) Israel is an “apartheid” state.

We would like to give the student groups who joined this shameful bullying campaign the benefit of the doubt – that they are well-intentioned and not motivated by the animus that drives SJP and JVP, and are simply insufficiently informed about the conflict in the Middle East. It is deeply troubling that so many student groups pledged to shun and isolate other students and outside groups, without even appreciating that the “principles” underlying this boycott campaign are lies. We urge you to take this opportunity to educate your community and make it crystal clear that while no country, including Israel, is perfect, SJP’s and JVP’s accusations against Israel are hateful, inflammatory and false.

- Revoke the registered status of SJP and JVP, in accordance with NYU’s rules and policies. These groups are purposefully marginalizing students who support Israel, and pitting other students against them, with the goal of silencing them, in violation of their First Amendment freedoms and their other rights under NYU’s rules and policies and the law.
- Issue a forceful directive to all the other student groups who joined this shameful coalition. They should understand that NYU will not tolerate their participation in any such bullying campaign and that the campaign is permanently disbanded. If any student group clandestinely or informally supports this campaign, then that group risks sanctions, including a loss of its registered status.
- Issue an unequivocal public message that NYU opposes the anti-Israel BDS movement and any BDS efforts or initiatives, including boycotting Israeli goods and services, boycotting Israeli academic institutions and conferences, divesting from holdings in Israeli companies and funds, and boycotting on campus and off-campus pro-Israel groups. Make it clear that these actions damage academic freedom and, intended or not, have an anti-Semitic effect, which NYU absolutely condemns. Such actions pit student against student and make members of the NYU community feel unsafe and unwelcome. Please also make it clear that NYU will not tolerate the marginalizing or scapegoating of any student on the campus. (We appreciate the statement issued by NYU spokesperson John Beckman on Monday, but NYU’s message should come from you and be much stronger.)

NYU's policies provide that "[r]egardless of sincerity, no individual or group of individuals has the right to disrupt or to interfere unreasonably with the workings of the colleges, schools, or divisions of the University or with the regular processes of education and service to its members. Regardless of moral impetus, no student or group of students has the right to deny the freedom of other members of the University community."

These policies are meaningless unless they are enforced. Please put a stop to SJP's and JVP's campaign to interfere with NYU's educational purposes, breach the principles of academic freedom, and violate the rights and freedoms of NYU students who love and support Israel.

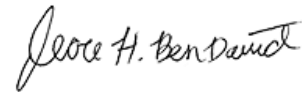
Very truly yours,



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