



Via e-mail

Andrew Hamilton
Office of the President
70 Washington Square South
New York, NY 10012

Katherine E. Fleming
Office of the Provost
70 Washington Square South
New York, NY 10012

October 26, 2020

Re: Zoom Censorship of October 23rd Event at New York University

Dear President Hamilton and Provost Fleming:

We write on behalf of New York University (NYU) Professor Andrew Ross and the executive committee of the NYU chapter of the American Association of University Professors to express our serious concerns with respect to Zoom's cancellation of the event "We Will Not Be Silenced: Against the Censorship and Criminalization of Academic Political Speech," which was scheduled to take place on Friday, October 23 at New York University.¹

As you must be aware, this event, which was to feature James L. Dohr Professor of Law at Columbia University Katherine Franke, City University of New York School of Law student Nerdeen Kiswani, NYU Professor in the Department of Performance Studies Fred Moten, and Palestine Legal Senior Staff Attorney Radhika Sainath (me) was scheduled to take place on Zoom because in-person events pose a serious health risk due to COVID-19. Hours before the event was scheduled to take place, Professor Ross, who organized the event, noticed that the link to the event had simply disappeared. He received no direct communication from Zoom or NYU with respect to what happened. Professor Ross frantically arranged to hold the event on an alternative platform, Google Meet, but realized this was an inadequate substitute for a webinar as that platform did not allow for administrative control over muting and other functions.

¹ New York University, *We Will Not Be Silenced: Against the Censorship and Criminalization of Academic Political Speech*, <https://as.nyu.edu/research-centers/neareaststudies/events/spring-20201/we-will-not-be-silenced--against-the-censorship-and-criminalizat.html>.

On October 20, Zoom publicly announced that a similar event at the University of Hawai'i Manoa (UHM) would not be permitted to take place, claiming that a scheduled special appearance by Leila Khaled would purportedly violate Zoom's terms of use and community standards. In a letter from Zoom to UHM, Zoom stated that it would cancel the October 23 event because of Ms. Khaled's "recently reported glorification of violence" during an event at another school, San Francisco State University (SFSU), on September 23. However, Ms. Khaled never spoke at this event because Zoom and Facebook deleted the event before it took place and YouTube blocked the event before Ms. Khaled could speak. In fact, in the same letter, Zoom relied on the fact that this event was blocked by Zoom, YouTube and Facebook as justification for its censorship at UHM. Zoom's vague claims that the October 23 UHM event would violate the law because of Ms. Khaled's "affiliation or membership in the Popular Front for the Liberation of Palestine" were similarly baseless.

While we do not know if Zoom has been in communication with you regarding its cancellation of the October 23 NYU event, it is important that you understand that any claim that any of these events would violate the law are specious. Pro-Israel advocacy organizations have made frivolous threats based on a false claim that it would constitute criminal activity to host Ms. Khaled for an academic discussion. These groups claimed that it would constitute "material support for terrorism" for Ms. Khaled to speak because she has been publicly affiliated with the Popular Front for the Liberation of Palestine (PFLP), a group that the U.S. has designated as a terrorist organization, and because Ms. Khaled, now 76, participated in two plane hijackings fifty years ago, as part of Palestinian resistance to Israeli occupation.

The claim that academic institutions in the U.S. cannot have Ms. Khaled speak has no basis in law or fact. Ms. Khaled was not compensated for these events, she was not representing the PFLP at these events, and fundamentally, the exchange of ideas in a university setting is constitutionally protected free speech. Again, these events were academic discussions: the September 23 class event was to examine critical narratives of resistance, gender and sexual justice, and the October 23 webinars' focus was on liberation, censorship and academic freedom.

To extend counterterrorism laws to pure speech and academic discourse would severely undermine all of our First Amendment rights to speech and association.

We urge you to issue a strong statement recognizing the grave risks such actions pose to the climate of academic freedom at New York University and to professors engaged in scholarship and critical discussions. NYU must ensure that its contract with Zoom is cancelled or amended to ensure that the University is able to live up to its contractual and educational responsibilities.

Lastly, while we appreciate that NYU attempted to arrange for an alternative venue for the October 23 webinar on Google Meet, it could not take place, as that platform did not have the same features as Zoom.

Thank you for your attention into this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'Radhika Sainath', with a stylized flourish at the end.

Radhika Sainath
Senior Staff Attorney
Palestine Legal

For:

Center for Constitutional Rights
Climate Defense Project
Partnership for Civil Justice Fund
Defending Rights and Dissent
Project South
National Lawyers Guild Palestine Subcommittee