



November 22, 2016

President Beverly Warren
Executive Offices, 2nd Floor Library
Kent State University
Kent, OH 44242

Dear President Warren:

I write on behalf of members of Students for Justice in Palestine (SJP) at Kent State University regarding your failure to offer any support for them and other members of the campus community who have been falsely accused of supporting terrorism. The administration's callous treatment of the students, targeted solely because of their viewpoints supporting Palestinian human rights and critical of an on-campus display of former Israeli Prime Minister Golda Meir, threatens their ability to access equal educational opportunities at Kent State. In our current political climate, these attacks could have grave consequences for those who have been targeted, and your legal obligations under the First Amendment and Title VI of the Civil Rights Act of 1964 are more important than ever. Now is not the time to neglect the rights and safety of your students.

Below is a summary of the targeted students' experience, and an outline of steps you must take to remedy the situation. Because these events occurred at a time when Palestinian, Muslim, Black, and immigrant communities are facing increasing hostility and danger from a growing segment of the population, the right-wing media, and the incoming executive, it is crucial that you consider the implications of your failure to take any action supportive of the students.

I. A dangerous new reality for Palestinian, Muslim students and their allies

Baseless attacks against Palestinian and Muslim students and other students who speak out in support of Palestinian rights are not new.¹ These attacks are often initiated by a network of well-funded right-wing Zionist organizations like the Zionist Organization of America,² the David Horowitz Freedom Center,³ and the Amcha Initiative,⁴ and are aided by anonymous online

¹ See Palestine Legal, The Palestine Exception to Free Speech, www.palestinelegal.org/the-palestine-exception.

² See Palestine Legal, ZOA calls for SJP ban at 23 schools, <http://palestinelegal.org/news/2016/2/25/zoa-calls-on-sjp-ban-at-23-schools>.

³ See Palestine Legal, Horowitz threatens to sue student over op-ed responding to hate posters, <http://palestinelegal.org/news/2016/11/3/horowitz-threatens-to-sue-student-over-op-ed-responding-to-hate-posters>.

⁴ See Palestine Legal, What was behind the suspension of a UC Berkeley course on Palestine?, <http://palestinelegal.org/news/2016/9/26/who-was-behind-the-suspension-of-a-uc-berkeley-course-on-palestine-a-look-at-the-amcha-initiative>.

harassers like the McCarthyite group, Canary Mission.⁵ These organizations unjustly conflate criticism of Israel with antisemitism and hurl unfounded – but nonetheless dangerous – accusations of support for terrorism at students who advocate for justice for Palestinians.

The election of Donald Trump as President will undoubtedly increase not only the volume and frequency of these baseless attacks, but also the gravity of their consequences. His candidacy and election has energized white nationalist, anti-Muslim, and anti-immigrant sentiment across the country. Indeed, since Trump was elected on November 8, reported hate crimes against black, immigrant, and Muslim communities have sky-rocketed.⁶ Reports of Trump's appointment of well-known Islamophobes, white nationalists, and far-right ideologues to top positions,⁷ and his stated intentions to create a Muslim registry⁸ and to deport millions of undocumented people⁹ make these dangers more imminent every day. Indeed, views propounded by far-right media outlets like Breitbart News, once considered fringe, will soon have a prominent place in the White House through the appointment of Stephen Bannon, Breitbart's former executive chair, as president-elect Trump's chief strategist and senior counselor.

Statements that Trump will request Department of Justice investigations into Palestine advocacy on campuses indicate that the incoming administration will also take a hard line against those who advocate for Palestinian human rights.¹⁰ The apparent alliance with right-wing Zionist organizations with a history of bullying and intimidating students who advocate for justice in Palestine creates a dangerous new reality for Palestinian students and their allies.¹¹ Even while many Jewish groups and individuals have expressed horror at the antisemitism that Trump supporters propagate,¹² and at Bannon's appointment,¹³ prominent right-wing Zionists like Morton Klein, president of the Zionist Organization of America,¹⁴ and David Horowitz,

⁵ See University Faculty Condemn Canary Mission Blacklist, <http://againstcanarymission.org>.

⁶ See Southern Poverty Law Center, *Update: More than 400 Incidents of Hateful Harassment and Intimidation Since the Election*, Nov. 14, 2016, <https://www.splcenter.org/hatewatch/2016/11/15/update-more-400-incidents-hateful-harassment-and-intimidation-election>.

⁷ See Jonathan Chait, Donald Trump Building Team of Racists, *New York Magazine*, Nov. 18, 2016, <http://nymag.com/daily/intelligencer/2016/11/donald-trump-building-team-of-racists.html>.

⁸ Derek Hawkins, Japanese American internment is 'precedent' for national Muslim registry, prominent Trump backer says, *Washington Post*, Nov. 17, 2016, <https://www.washingtonpost.com/news/morning-mix/wp/2016/11/17/japanese-internment-is-precedent-for-national-muslim-registry-prominent-trump-backer-says>.

⁹ Amy B. Wang, Donald Trump plans to immediately deport 2 million to 3 million undocumented immigrants, Nov. 14, 2016, <https://www.washingtonpost.com/news/the-fix/wp/2016/11/13/donald-trump-plans-to-immediately-deport-2-to-3-million-undocumented-immigrants>.

¹⁰ See Nikita Vladimirov, Trump team unveils Israel policy, *The Hill*, Nov. 2, 2016, <http://thehill.com/blogs/ballot-box/presidential-races/304047-trump-team-unveils-israel-policy>.

¹¹ For an explanation of this alliance, see Rebecca Vilkommerson, Anti-Semitism for the sake of Israel in the era of Trump, *The Hill*, Nov. 16, 2016, <http://thehill.com/blogs/pundits-blog/presidential-campaign/306445-anti-semitism-for-the-sake-of-israel-the-strange>.

¹² See, e.g., May Bulman, Hundreds of Jewish Scholars of Holocaust history call on Americans to 'mobilise in solidarity' against Trump, *The Independent*, Nov. 17, 2016, <http://www.independent.co.uk/news/world/americas/donald-trump-jewish-scholars-holocaust-history-anti-semitic-hate-crimes-discrimination-a7423361.html>.

¹³ See, e.g., Press Release, JVP on Choice of White Supremacist, Anti-Semitic, Islamophobe Stephen Bannon as Chef Strategist, *Jewish Voice for Peace*, Nov. 14, 2016, <https://jewishvoiceforpeace.org/jvp-appointment-white-supremacist-anti-semitic-islamophobe-stephen-bannon/>.

¹⁴ Press Release, ZOA Criticizes ADL for Falsely Alleging Trump Advisor Bannon is Anti-Semitic, Nov. 14, 2016, <http://zoa.org/2016/11/10342353-zoa-criticizes-adl-for-falsely-alleging-trump-advisor-bannon-is-anti-semitic>.

identified by the Southern Poverty Law Center as an extremist,¹⁵ have defended Trump and Bannon, rebutting claims of antisemitism by pointing to their staunch support for Israel.¹⁶

This new reality creates dangers for many students and requires strong university action. Ignoring the needs of targeted students will now have even more serious consequences for them.

II. Factual Summary

SJP at Kent State is a “political group that seeks to educate students, visitors, and faculty alike about the current situation in Palestine.” SJP’s purpose is to “raise awareness within the Kent community on issues pertaining to the Palestinian people” by advocating for “Palestinian rights as well as justice and equality for all oppressed people around the world.”¹⁷ In accordance with its mission, earlier this semester, SJP members decided to protest a Bowman Hall display featuring a quote and portrait of former Israeli Prime Minister Golda Meir. The following is a summary of facts:

- On October 18, 2016, SJP President Yousof Mousa, who is Palestinian, sent a letter to you requesting the Golda Meir picture and quotation be replaced, stating that Ms. Meir’s “policies and statements” were expressly racist against Palestinians and Africans. The letter was co-signed by the Spanish and Latino Students Association (SALSA), the Ohio Students Association, the Muslim Students Association (MSA), and with the support of Black United Students (BUS).
- On Nov. 1, 2016, having received no response from you or your administration, Mr. Mousa published an opinion piece in the Kent Wired calling for the removal of the quotation and portrait.¹⁸ Citing Ms. Meir’s racist policies towards Africans and Palestinians, Mr. Mousa wrote: “Our campus deserves role models that believe in justice, equality and rights for everyone that want to call Kent State home. Please make the walls in our halls of learning reflect this climate of diversity and equity.” The opinion was supported by the SALSA, the Ohio Students Association, MSA, BUS, the Native American Students Association, and PRIDE.
- On November 8, 2016, the day Donald Trump was elected, you responded to Mr. Mousa in an email, stating that you had asked Provost Todd Diacon to “confer with the appropriate parties” relative to Mr. Mousa’s concern, and that Provost Diacon would reply to Mr. Mousa.
- On November 10, 2016, Provost Diacon emailed Mr. Mousa stating that the University would not remove the Golda Meir quotation. That same day, Provost Diacon’s email to

¹⁵ Southern Poverty Law Center’s “extremist files” profile of David Horowitz is available at <https://www.splcenter.org/fighting-hate/extremist-files/individual/david-horowitz>.

¹⁶ See Robert Mackey, Steve Bannon Made Breitbart a Space for Pro-Israel Writers and Anti-Semitic Readers, The Intercept, Nov. 16, 2016, <https://theintercept.com/2016/11/16/steve-bannon-made-breitbart-space-pro-israel-writers-anti-semitic-readers>.

¹⁷ Student Organizations, Students for Justice in Palestine, Kent State University, <https://www.kent.edu/csi/student-organizations/students-justice-palestine>.

¹⁸ Yousof Mousa, Creating a home and empowering diversity on campus, KentWired.com, Nov. 1, 2016, http://www.kentwired.com/opinion/article_d34ae5a9-9185-5394-b5f2-ef8562d97879.html.

Mr. Mousa appeared in a Cleveland.com news story.¹⁹ Mr. Mousa had not shared the email with any reporters.

- On November 11, 2016, Mr. Mousa replied to Provost Diacon expressing surprise that a decision had been made. It is unclear which “appropriate parties” Provost Diacon conferred with before reaching this decision, but they did not include members of SJP or any other organization that supported Mr. Mousa’s opinion piece. Mr. Mousa requested a description of the process Provost Diacon used in reaching a decision.
- On November 15, 2016, you received an e-mail from an AOL account which stated, “I hear that [SJP faculty advisor] Joshua Stacher and his terror supporting friends have suggested a few alternatives to the picture of Golda Meir,” listing several fabricated suggestions insinuating their support for terrorism. Mr. Stacher and the presidents of MSA and SALSA were cc’d on the email. Hours later, Kent State Media Relations Director Eric Mansfield replied to the AOL account and the other recipients of the email, stating “[c]ontrary to media reports, the quote has not been taken down or covered.” Mr. Mansfield did not address the false accusations of support for terrorism.
- On November 17, 2016, Mr. Mousa reported to the University an anonymous email he received that said, “...do the world a favor and kill yourself... you really are a worthless piece of shit.” This email and the Nov. 15 email mirror the harassment and threats that Mr. Mousa and others who spoke critically of the Meir display have received online. For example, one commenter on a Zionist news site wrote, “Send in the Ohio National Guard.”²⁰

As of this writing, the University has failed to reach out to Mr. Mousa or any other targeted student to respond to their concerns or offer support.

III. The University must take swift action to remedy its mistakes

The University’s response to the Nov. 15 email from the AOL account is astonishing in its lack of regard for the rights and well-being of its own students, particularly since it was sent while many students were grappling with the implications of a Trump presidency for themselves, their friends and their families. The Nov. 16 email from Mr. Mansfield failed to even acknowledge that Kent State students were being falsely characterized as terrorist supporters, let alone defend the students from this malicious attack. And the University’s failure to ensure its students’ safety and well-being in the face of this false accusation has left these students marginalized and targeted at a time when they need institutional support more than ever.

Kent State’s callous response to the threats and harassment described above represents an abdication of its legal responsibilities. Kent State has an obligation, under the First Amendment and Title VI of the Civil Rights Act of 1964, to ensure that Palestinian and Muslim students and Palestine solidarity activists enjoy the right to speak out in favor of Palestinian freedom without

¹⁹ Karen Farkas, Kent State students want quote by former Israeli prime minister Golda Meir off a wall, Cleveland.com, Nov. 10, 2016, http://www.cleveland.com/metro/index.ssf/2016/11/kent_state_students_demand_rem.html.

²⁰ See Comments, Kent State Weighs Removal of ‘Golda’ Display in Wake of Anti-Israel Student Outcry, The Algemeiner, Nov. 13, 2016, <https://www.algemeiner.com/2016/11/13/kent-state-weighs-removal-of-golda-display-in-wake-of-anti-israel-student-outcry>.

discrimination based on the viewpoint they express, and that students are protected from harassment, intimidation, and discrimination based on their race, color, or national origin.

To ensure that students' First Amendment rights are protected and to meet Kent State's legal responsibilities, your administration must at a minimum:

- Meet with members of SJP and other groups that have been targeted for their criticism of the Golda Meir quotation. Use this meeting to listen to the students' grievances and needs. Without understanding the issues the students face, the University will not be able to create a learning environment which safeguards against harassment, intimidation, and discrimination based on race, color, or national origin.
- Issue a public apology to the recipients of the Nov. 15 email for failing to defend them from the false and malicious accusation of supporting terrorism. State publicly for the record that you condemn the false accusation and harassment the students have faced for utilizing their First Amendment-protected right to criticize the political viewpoints of Golda Meir. Reiterate in your statement the fact that SJP and its allies have the First Amendment-protected right to criticize Israeli government policies and to advocate for justice for Palestinians.
- And make public the process your administration followed in reaching the decision to keep the Golda Meir quotation. After being told that the administration would "confer with relevant parties," the students and organizations that raised the issue in the first place expected to be consulted. A transparent process is an important step to rebuild trust between your administration and members of SJP and their allies.

With the incoming presidential administration, it is more important than ever for your administration to take concrete steps to ensure that you protect the rights and ensure the safety of all students on campus, particularly those who feel targeted by the rising white nationalist, anti-immigrant, and anti-Muslim sentiment. I sincerely hope you agree. I look forward to hearing from you regarding the University's response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rahul Saksena', with a long horizontal flourish extending to the right.

Rahul Saksena
Staff Attorney, Palestine Legal