



**TESTIMONY BEFORE THE OHIO HOUSE OF REPRESENTATIVES
GOVERNMENT ACCOUNTABILITY AND OVERSIGHT COMMITTEE
HOUSE CONCURRENT RESOLUTION 10
OCTOBER 11, 2017**

**PROPONENT TESTIMONY OF MICHAEL GOLDSTEIN
STATE OF OHIO DIRECTOR
PROCLAIMING JUSTICE TO THE NATIONS**

Chairman Blessing, vice chair Reineke, and ranking member Clyde. My name is Michael Goldstein, and I am the State of Ohio Director of Proclaiming Justice to the Nations, a Christian organization dedicated to educating Christians on their Biblical duty to support and defend the State of Israel and the Jewish people. We are on the web at www.pjtn.org.

I appreciate the opportunity to speak with you this morning as a proponent of House Concurrent Resolution 10, a resolution which we see as a turning point for the State of Ohio, and, in particular, for our universities, especially with respect to protection of our First Amendment right to freedom of speech. PJTN strongly supports passage of HCR 10, which is "To Condemn the Boycott, Divestment, and Sanctions Movement and Increasing Incidents of Anti-Semitism."

How is it that a supposedly civilized people, the Germans, could and did murder six million Jews? It all started with the anti-Semitism which was endemic in German society. This was exacerbated by the horrible anti-Jewish propaganda that was put out by Germany, which is similar to the BDS propaganda put out on our campuses today. Then Germany passed laws which deprived the German Jews, most of whom were model citizens, many of whom served in the German armed forces during the First World War, progressively of their rights to engage in their professions, to hold teaching jobs in K-12 schools and the universities, to attend schools and universities, to own real property including their homes, to engage in any business relationships or investments with non-Jewish Germans, to sell to non-Jewish German customers. They took away the Jews' livelihoods, their right to bear arms, and their German citizenship, making them stateless. When they were shipped off to the death and slave labor camps they were malnourished, ill, and exhausted, and their only remaining possessions were the clothes on their backs. When they arrived at the camps they were deprived of even those lowly rags, and then they were gassed to death in gas chambers and their dead bodies dragged to crematoria by Jewish slaves.

But it started in Germany with anti-Semitism, the way that the slaughter of Jews over the centuries has always started. And in the United States, and here, in Ohio, at our colleges and universities, anti-Semitism is on the rise, incited by student groups which are part of the BDS movement.

HCR 10 contains three basic elements, all of which reflect core American values, and all of which are necessary to begin the necessary process of removing anti-Semitism from our campuses and our state:

- It reconfirms the General Assembly's, and the citizens of the State of Ohio's, support for the sovereign State of Israel.
- It condemns the international BDS movement for legitimizing anti-Semitism and for seeking to undermine the Jewish people's right to self-determination.
- It encourages and supports the exercise of free speech and civil debate, particularly on our college campuses.

What is "BDS?" It is the international movement to delegitimize the State of Israel and to cause its destruction. On our college campuses in Ohio and throughout the nation, BDS practices anti-Semitism and promotes its spread among the entire student body, including our children and grandchildren.

"BDS" stands for "Boycott, Divestment, and Sanctions" against Israel. Specifically, this means:

B - *Boycott* products of Israeli companies and those of other nations' companies that do business with the State of Israel. For example, in the United States the ***boycott*** includes such industrial concerns as Caterpillar, Inc. and every American defense contractor that works with Israeli defense companies to make us safe here in our own country.

D – *Divest* is the movement's demand that American institutions such as state, university, and company retirement systems and other funds ***divest*** themselves of investments in Israeli companies and of investments in American companies doing business with Israel, again such as Caterpillar, Inc. and every American defense contractor that works with Israeli defense companies to make U.S. citizens safe.

S – *Sanctions* is the movement's demand that our national and state governments, and those of other nations, themselves adopt economic ***sanctions*** against the State of Israel.

What is the purpose of BDS? In the public propaganda statements of BDS organizations, they state that it is to pressure Israel to enter into peace negotiations with the Palestinian Authority (PA); to cede more territory to the PA; to agree to the "right of return" to Israel of Muslims who fled Israel during the wars caused by Arab attacks on Israel since 1948, and all their descendants (today, the estimated number of such refugees exceeds four million, most of which are descendants); and to treat the Arabs more fairly.

However, the true goal of the BDS movement is not to live in a peaceful, fair relationship with their neighbor Israel. It is the destruction of the State of Israel. We know this because in their more candid moments the leaders of the BDS movement have told us that the primary goal of the BDS movement is the destruction of Israel — from the Jordan River on its east to the Mediterranean Sea on its west — a “Judenrein,” or Jew-free area, as the Nazis put it — Middle East region.

BDS co-founder Omar Barghouti vowed, making no secret of his intentions, that “Definitely, most definitely we oppose a Jewish state in any part of Palestine.” His sentiment was echoed by leading BDS activists Asad Abu Khalili and Ahmed Moor, who declared that “The real aim of BDS is to bring down the state of Israel” and “BDS does mean the end of the Jewish state.” This is the true goal of the BDS on-campus movement in the United States.

How do the on-campus BDS organizations go about supporting their goal of destroying Israel?

They carry out an array of intolerant activities to silence Jewish and pro-Israel voices, many of them Christian, most frequently through shutting down or disrupting pro-Israel events, but also through the vilification and intimidation of pro-Israel groups and individuals, with the clear intention of delegitimizing their point of view, or causing them to be too afraid or uncomfortable to express it.

This is not just a Jewish problem. As a 30-year veteran Naval Officer and member of the Intelligence community, and as an avid student of American and World History, I recognize that the BDS movement and anti-Semitism on our college campuses is, at its essence, an American problem, because it violates the free speech rights of Jewish and pro-Israel students, rights guaranteed to every American by the First Amendment to the Constitution of the United States. The BDS attack on free speech on campus is an attack on America and its values.

What is anti-Semitism? How is it defined? First of all, we all know it when we see it. It comes as that punch in the gut feeling, that common sense feeling, that such behavior against Jews, is just wrong, as it would be wrong if exercised against any group of Americans. But there is a legal definition of anti-Semitism, as well. The United States Department of State includes in its definition:

- Demonizing Israel with symbols and images associated with classic anti-Semitism, comparing Israeli policy to that of the Nazis, and blaming Israel for all inter-religious or political tension.
- Holding Israel to a standard of behavior not expected of any other nation.
- Delegitimizing Israel, denying the Jewish people their right to self-determination, rejecting Israel's right to exist.

To this definition the United States Commission on Civil rights adds:

- Calling for the killing or harming of Jews in the name of radical ideology or an extremist view of religion
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations
- Making stereotypical allegations about Jews and the power of Jews as a collective, such as the myth about a world Jewish conspiracy
- Using symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, such as claims of Jews killing Jesus or blood libel

Specifically, how does BDS implement its anti-Israel and anti-Semitic program on our campuses? Is there really an on-going and increasing problem on Ohio campuses? Yes, this is a real problem, and one the General Assembly must address. Let's look at the numbers and the content.

I will refer to three reports, two by the ***AMCHA Initiative***, A-M-C-H-A, and one by the ***Canary Mission***. To the best of my knowledge there has been no challenge of the propriety of these agencies' research procedures or of the accuracy of their statistics or other output. All three reports demonstrate that we have a large and increasing amount of anti-Semitism on our college campuses here in Ohio.

The AMCHA Initiative is a non-profit organization dedicated to investigating, documenting, educating about, and combating anti-Semitism at institutions of higher education in America.

The first of the two AMCHA reports is entitled ***Anti-Semitism at the Epicenter of Campus Intolerance***. It is an April 2017 analysis of 2015 and 2016 data. One of the tables lists schools with the largest increase in anti-Semitic activity from 2015 to 2016. Unfortunately, The Ohio State University makes that list of seven universities, with an increase of 10 incidents, or over 400%, from one year to the next.

Table 4

Schools with the Largest Increase in Antisemitic Activity from 2015 to 2016¹⁰

Schools	# Incidents 2016	# Incidents 2015	Increase # 2015 to 2016
**Columbia University	35	6	29
**Vassar College	23	6	17
**New York University	16	2	14
*University of Chicago	18	5	13
**University of Wisconsin Madison	13	1	12
University of Minnesota	15	4	11
*Ohio State University	13	3	10

Nationally, there was a 40% percent increase in overall campus anti-Semitic activity from 2015 to 2016. This is a large problem that isn't going away.

Table 1

Number of Incidents of Overall Antisemitic Activity and Each Kind of Activity Occurring in 2015 and 2016 and Percent Increase

	# Incidents 2015	# Incidents 2016	% Increase Incidents 2015 to 2016
Overall Antisemitic Activity	309	433	40%
Targeting Jewish Students	79	104	24%
Antisemitic Expression	219	286	31%
BDS Activity	168	195	16%

Schools with the largest incidence of overall anti-Semitic activity, targeting of Jewish students for harm, anti-Semitic expression, and BDS activity in 2016: Out of 15 schools, The Ohio State University makes the list of highest level of Anti-Semitic Activity, coming in 8th of 15 universities; OSU also ranks 5th of 15 for the highest Incidence of BDS Activity on campus. And Oberlin College made the list of the highest Incidence of Anti-Semitic Expression on campus.

Table 3
Schools with the Largest Incidence of Overall Antisemitic Activity, Targeting of Jewish Students for Harm, Antisemitic Expression, and BDS Activity in 2016

Highest Overall Antisemitic Activity	Highest Incidence Targeting	Highest Incidence of Antisemitic Expression	Highest Incidence of BDS Activity
Columbia U. (35)	U. of Wisconsin (8)	Columbia U. (23)	Columbia U. (22)
Vassar College (25)	Vassar College (5)	Vassar College (13)	Vassar College (16)
U. of Chicago (18)	Northwestern U. (5)	U. of Wisconsin (12)	U. of Minnesota (15)
New York U. (16)	Brown U. (5)	New York U. (12)	U. of Chicago (14)
U. of Minnesota (15)	UC Berkeley (4)	UCLA (10)	Ohio State U. (11)
Northwestern U. (13)	U. of Southern Calif. (4)	U. of Washington (9)	Northwestern Univ. (7)
U. of Wisconsin (13)	U. of Illinois U-C (4)	U. of Mass. Amherst (8)	U. of Mass. Amherst (7)
Ohio State U. (13)	U. of Chicago (3)	San Francisco State U. (8)	New York U. (7)
U. of Mass. Amherst (12)	U. of Mass. Amherst (3)	Brown U. (7)	U. of Michigan (7)
U. of Washington (12)	Boston U. (3)	UC Berkeley (7)	U. of Washington (6)
U. of Michigan (11)	Claremont Colleges (3)	U. of Illinois U-C (7)	U. of Florida (6)
UCLA (11)	Harvard U. (3)	U. of Chicago (7)	U. of Georgia (5)
Tufts U. (10)	Brandeis U. (3)	Boston U. (7)	San Francisco State U. (4)
U. of Georgia (10)	UC Santa Cruz (3)	Northeastern U. (7)	Northeastern U. (4)
UC Berkeley (10)	UC Davis (3)	Oberlin College (7)	UCLA (4)

The second AMCHA report is its ***Anti-Semitism Tracker***. You can go to www.amchainitiative.org, click on Antisemitism Tracker, and then click on Ohio, or on any state you want to look at. Many of the country's largest universities are listed, and the report sets out in detail all of the anti-Semitic incidents that occurred at each in 2015 and 2016. There are a lot of anti-Semitic incidents recorded at many of our Ohio schools. There are three pages devoted to Oberlin College alone. It is a horrifying page turner.

There is also the frightening ***Canary Mission Report on Greater Cleveland, Ohio (April 2017)***, subtitled ***Canary Mission Cleveland Anti-Semitism Report 2017***, which was released in April of this year. The reference, of course, is the "canary in the coal mine," warning miners that there is a deadly gas present which the miners have not yet sensed.

The Canary Mission states that its "database was created to document the people and groups that are promoting hatred of the USA, Israel and Jews on college campuses in North America," and that "[e]very individual and organization has been carefully researched and sourced."

The Greater Cleveland Report focuses on 21 students and professionals who made dozens of viciously anti-Semitic remarks, as well as anti-Black and anti-LGBT comments, on social media. It covers students from six Cleveland universities and includes members of Students for Justice in Palestine (SJP), the Muslim Students Association (MSA), and the Arab Student Union (ASU). It categorizes these posts into Anti-Israel; Anti-Semitic; Anti-Black; and Anti-Gay. It is horrible to read, and hard to accept that students going to college in America, and in Ohio, think like this,

but I suggest that you read it at www.canarymission/cleveland because we all must understand what is happening in our state. And please keep in mind when you read it that **HCR 10** is intended to begin to put an end to this problem on our campuses.

Also, on the home page of the Canary Mission Report you can click on “Organizations,” which will take you to a page which lists the names and displays the logos of the 21 student organizations they found which are involved in BDS, anti-Israel, and/or anti-Semitic activities:

- American Muslims for Palestine
- Boycott, Divestment, Sanctions
- CODEPINK
- Council on American Islamic Relations
- Electronic Intifada
- General Union of Palestinian Students
- Hamas
- Identity Evropa
- International Solidarity Movement
- Jewish Voice for Peace
- Mondoweiss
- Muslim Association for Social Change
- Muslim Brotherhood
- Muslim Students Association
- Palestine Solidarity Committee
- Popular Front for the Liberation of Palestine
- Solidarity for Palestinian Human Rights
- Students Against Israeli Apartheid
- Students for Justice in Palestine
- Students United for Palestinian Equal Rights
- U.S. Campaign for Palestinian Rights

And now let’s come down from statistics and lists and turn to two Ohio examples which will humanize the problem. Here are two actual incidents of anti-Semitism which include the violation by universities in Ohio of the freedom of speech rights of their Jewish students.

We all probably know about the **Ice Bucket Challenge** to raise research money for ALS, Lou Gehrig’s disease, during which a participant pours a bucket of ice water over his or her head. At Ohio University in 2014, Megan Marzec, the President of the Student Senate, was a strong and vocal advocate of BDS. She converted the Ice Bucket Challenge vehicle into something very different, which she called the **Blood Bucket Challenge**, and, on video, she poured a bucket of blood over her head. Quoting Marzec statement from her video:

"As Student Senate President I'm sending a message of student concern about the genocide in Gaza and the occupation of Palestine by the Israel state."

Of course, neither of these statements is true. The only genocide, if it can be called that, in Gaza, was the murder of Palestinian Authority officials by the Muslim Brotherhood terrorist group Hamas. Further, there is no occupation of a country called Palestine, and I can explain that complex issue further if any member asks me to do so. But Marzec's statements do qualify as anti-Semitism by the definitions of the Department of State and the Commission on Civil Rights of the United States.

And then, on the video record Marzec, as Student Senate President, endorsed the BDS movement.

About a week later there was a meeting of the Student Senate. Four Jewish students arrived to protest Marzec's false allegations because she had made them as the President of the Senate, not just as a regular student, and they called for her resignation as President.

As the attorney for one of the Jewish students related to me, these students had been told that they had 18 minutes to talk. While they were trying to state their case for Marzec's resignation, a chant was led by many Student Senate members. Referring to the Jewish students, they chanted such phrases such as, "This meeting is being hijacked by fascists," and "Shame on the bullies."

Only three minutes into their 18 minute presentation Marzec told them they had to stop talking because other students wanted to speak. They kept talking about their protest. And then Ohio University Police who were present told them they had to stop talking in two minutes. They continued to talk. According to one of the students, Marzec told the police to arrest them, and the police complied.

The Jewish students were arrested by officers of the Ohio University Police Department and led off in handcuffs, and they were charged with crimes which could have resulted in six months in prison. There were university administrators at the meeting who allowed the arrests to go forward at Marzec's order, rather than directing their own police officers to prevent the "chanters" and Marzec from hijacking their presentation by attacking the free speech of the Jewish students.

A week later, the Student Senate met again, and its student Treasurer, a man named Carter Phillips, submitted his resignation in the open meeting. Here is what he had to say about the Senate's conduct with the Jewish students the week before.

"We disrupt them when they're speaking, chant when they sit down, we have them arrested for speaking out. All legitimacy we had went out the door in handcuffs last Wednesday. This is no longer a government, it is a circus."

For Ohio University there is a very important postscript. A week ago on Friday morning September 29, on the verge of the holiest evening in the Jewish calendar, Yom Kippur eve, two swastikas were found on the university campus. The press report said that the "vandalism was reported to the OU Police Department."

I find the university's administration's public response, as reported in the press, to be inadequate. In their statement, President Duane Nellis and the interim Chief Diversity Officer Jason Pina said that "The re-emergence of such a hateful symbol is unacceptable on any day of the year, but this incident is even more disturbing during Yom Kippur." They also said that OU is committed to creating a "safe and welcoming environment." That is what they said. Here is what the press report said they have done about it: "Maintenance crews are working to remove the swastikas." But what else is being done by the university to get at the heart of the problem? From news reports they are just taking actions, removal of the hateful symbols, and made a statement, which was nice, to help people feel better about what happened.

As a former prosecutor and former intelligence officer, I would like to know why the university seems to be doing nothing to find and deal with the perpetrators of this vandalism and hatred. Their first thought was to remove the swastikas, which probably has resulted in their removal of all the forensic evidence. Has the OU Police Department opened an investigation? Has the administration thought about calling in the Highway Patrol to investigate?

With respect to HCR 10, this incident is more evidence that the problem is not going away, and that passage of this resolution is vital.

The last Ohio incident I will discuss took place at John Carroll University in University Heights, in the Spring of 2016. A John Carroll student, Nicholas Abdallah, who was then and still is the President of Hillel, the JCU Jewish students' organization, had planned to testify about that incident here today, but he has a full day of classes today, and his mid-term exams start tomorrow.

Nick has submitted written testimony for the Committee's record. He describes Hillel as "an international Jewish collegiate organization that promotes their mission of, 'Enriching the lives of Jewish students so that they may enrich the Jewish people and the world' through various religious, social, and Zionist programming open to both Jewish and non-Jewish students."

JCU Hillel planned a campus presentation by a young man who was to share his story of moving from, as he described it, being a radical anti-Israel Jihadist, to becoming a Muslim supporter of Israel. His speech was centered on his upbringing, his original conception of what it meant to live in Israel, and finally how, after visiting Israel, he realized that it was a country that sought to

promote peace between itself and the Arab world. The event was co-sponsored by CUF, Christians United for Israel.

Hillel followed the JCU rules and procedures to set up the event, but the JCU administration was approached by students of the Muslim Student Society (MSS) who objected to this speaker's presence on campus because of his history and because of their assumptions regarding the prospective content of his speech. Nicholas describes in detail the meeting he and his Hillel Executive Board were called to attend by the university's administration. Attending meeting were Nick and two other Hillel student officers; the Assistant Director of the JCU Campus Ministry; a professor who was Chair of the Department of Theology and Religious Studies; a professor who was Senior Director of Student Engagement; and a fourth staff member whose name Nick could not recall. Also present were two members of the MSS. The names of all attendees are in Nick's written testimony.

The Muslim students objected to the contents of an advertising poster, particularly arguing over the meaning of words in the poster. They also argued that the speaker was not credible. They further argued that CUF was an extremist group, and not credible. Basically, they disagreed with what they thought would be the content of the speech and that it should not be allowed to go forward.

The JCU administration first asked the Hillel students to cancel or postpone their event "so that more discussion could take place." In response, they argued against the Muslim students' positions.

The administrators then "instructed us that we were to let [our speaker] know what topics were off-limits, essentially limiting his ability to speak openly and truthfully. The meeting ended with the faculty, staff, and members of MSS telling us that we should shift our focus from pro-Israel events to only pro-Jewish events."

Hillel ignored these administration instructions to impose prior restraints on their speaker's freedom of speech, and the event went forward as planned. However, the administration's intervention in derogation of the First Amendment did have a chilling effect. As Nick writes at the close of his written testimony, "Since then, we have not invited another pro-Israel speaker to campus due to fear of having to deal with a situation such as this again."

In my opinion, Ohio University, by its actions and by its failures to act, violated the Jewish students' right to freedom of speech as guaranteed to them by the First Amendment to the Constitution of the United States. Placing under arrest citizens who are attempting to exercise

their right to free speech in order to prevent them from exercising that right is prohibited. In permitting or directing its police department to take this action, Ohio University may also have violated Title VI of the Civil Rights Act of 1964.

John Carroll University, also in my opinion, violated their Jewish students', and their speaker's, First Amendment right of free speech by putting severe prior restraints on that speech by coercion. The University administrators used the presence of the Muslim students, and their arguments, at the meeting, against the Jewish students to try limit the content of the speaker's presentation and to dissuade Hillel from bringing in any more pro-Israel speakers. They were partially successful in their attempt at prior restraints, and that is unacceptable.

By taking this action JCU, in my opinion, violated the First Amendment to the United States Constitution, and may also have violated Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in federally assisted programs and activities, including nearly all public and private colleges and universities, on the basis of race, color, or national origin. Beginning in 2004, Jewish students came under the protection of Title VI based on their ethnic or ancestral background.

Harassment creates a hostile environment when the offending conduct is sufficiently severe or pervasive to interfere with or limit a student's ability to participate in or benefit from services, activities, or opportunities offered by a school. Certainly arresting a student, as at Ohio University, for engaging in speech will likely chill that student's willingness to speak at, and thus benefit from, services, activities, or opportunities offered by the school. Certainly where a university uses its authority to try to impose prior restraints on free speech, as at John Carroll University, that is a threat the students can ignore only if they are willing to risk losing the benefit of services, activities, or opportunities offered by their school, and incur the wrath of its administration.

When discrimination occurs, the university must promptly and adequately respond. A violation of Title VI may be found if discrimination is encouraged, tolerated, not adequately addressed, or ignored by administration. If a university violates Title VI, complaints may be filed in the U.S. Department of Education's Office for Civil Rights or in the federal district courts.

The anti-Semitism and BDS situation is such a serious national problem that I have been anticipating a federal Title VI lawsuit by someone, and now it has happened. San Francisco State University (SFSU) had become a hotbed of such activity. A few months ago several Jewish students, and members of the Bay Area Jewish community, filed suit against the Board of Trustees of the California State University, San Francisco State University (SFSU) and several of its officials and administrators, suing them in both their official and personal capacities, alleging that SFSU and its agents had established, maintained, and executed policies, practices,

or procedures that penalized, discriminated against, or violated the free speech or equal protection rights of Jewish students or visiting Jewish members of the community.

The plaintiffs requested:

- An injunction prohibiting the continuation of such activities;
- A declaratory judgment that actions of the defendants violated the First Amendment of the Constitution, the Equal Protection clause of the Fourteenth Amendment, and Title VI of the 1964 Civil Rights Act;
- Monetary damages for intentional discrimination;
- Compensatory damages for emotional distress;
- Punitive damages to sanction defendants' deliberate misconduct and to deter defendants and others from such actions in the future;
- Plaintiffs' reasonable attorney fees and court costs and expenses; and
- Pre- and post-judgment interest.

The factual allegations in the 73 page Complaint are many and ugly, and include the prohibition of Jewish groups from participating in university activities, university collusion with BDS organizations to discriminate against Jewish groups and students to shut down their events, and to intimidate, both emotionally and physically, Jewish students. The Complaint is available online, and I urge you to read it. I never want to see the necessity for anything like it to be filed against one of our universities in Ohio, but it can and probably will happen if the schools here do not take prompt action to eliminate egregious anti-Semitic and BDS behaviors on their campuses, and do not cease their active or tacit support of the perpetrators' actions.

I will describe only one incident alleged in the SFSU case Complaint, and only because it is so similar to anti-Semitic events that happened in Nazi Germany in the 1930s.

On April 6, 2016, SF Hillel ("Hillel") hosted Nir Barkat, the Mayor of Jerusalem, Israel, to speak on SFSU's campus to Jewish students, non-Jewish students, and members of the community-at-large. SFSU only permitted the event to take place in an expensive event space far from its central campus.

Notwithstanding the out-of-the-way location, at the event the Jewish Plaintiffs were met with a direct assault on their safety and civil rights. A group of individuals, including many members of the General Union of Palestine Students ("GUPS"), commandeered the event and shut it down, using amplified sound to disrupt Mayor Barkat's speech with continuous menacing chants such as "Get the fuck off our campus!" and "Intifada!"

As the group of shouting students moved closer to Mayor Barkat, Plaintiffs and other SFSU students and members of the community who had come to hear Mayor Barkat speak, huddled together in the chairs in the corner, hoping to somehow hear him despite the amplified shouting (which was a direct violation of the Student Code of Conduct's prohibition on the use of sound amplifiers inside the event, even apart from the threatening content). This proved to

be impossible, as the incessant threats and amplified chants prevented anyone from hearing Mayor Barkat’s speech or engaging in dialogue with him. With their verbal assaults, angry gestures, and hostile actions, the disrupting students physically threatened Plaintiffs and others in attendance, who feared for their safety. The group encroached on those who came to hear the speech and purposefully intimidated them, adjusting their head coverings in a threatening manner, thereby concealing their identities.

Students and community members sought the protection of campus police, who were present at the event. But rather than putting a stop to the deliberate efforts to stifle a planned speech and event by an approved student group, and to the physical intimidation of Jewish students and community members, SFSU administrators—who were also present at the event— instead instructed the police to “stand down” and allow the disruption to completely shut down the event.

In HCR 10 the members of the General Assembly:

1. Affirm our legislature’s and our citizens’ support for the State of Israel, recognize that the Jewish people are indigenous to the land of Israel, and condemn all attacks on the people of Israel, including the international Boycott, Divestment, and Sanctions (BDS) movement against Israel on Ohio university campuses; support Israel's right to engage in lawful acts of self-defense, and oppose all attempts to deny the legitimacy of Israel as a sovereign state. This is no more than the treatment the United States accords to all sovereign states. The BDS movement is opposed to each and every statement of support of Israel contained in HCR 10, singling out the only Jewish state, the only democratic state in the Middle East, for oppression and destruction.
2. State that the trustees, administrators, and educators at all levels in our universities in Ohio must take an active stand against all anti-Semitic actions and intimidation taken against Jewish students on their campuses, whereby all students may feel safe, and be safe, from harm due to these pernicious activities. The BDS movement is opposed to this position statement of the General Assembly.
3. Encourage and support the exercise of free speech and civil debate, particularly on college campuses, and further encourage university and college administrations to curb any impediments to free speech and any abridgment of free speech on campus by any individuals or groups, and urge them to take disciplinary action against all students, faculty, and administrators who engage in actions that abridge free speech on campus in violation of the First Amendment to the Constitution of the United States. By their actions of intimidation of Jewish groups and individuals on our campuses, the college BDS organizations have demonstrated their position that freedom of speech applies only to them, and not to others.

There has been unfounded criticism of HCR 10 by a BDS proponent. In a published article, an NPR reporter from WOSU, the Ohio State University public radio station, gave much space to her interview with Rahul Saxena, an attorney for the group Palestine Legal, who says “the

resolution is `troubling` because it is part of a national effort to stifle the free speech of those who support Palestinian rights.” This is untrue. The HCR 10 free speech provision I quoted above clearly delineates that the resolution advocates free speech for all, but also that it advocates sanctions against all those who would hamper, by whatever means, the rights of others to engage in their own speech.

Mr. Saksena is also engaging in what we call in the Intelligence Community a type of “mirror imaging:” He is falsely attributing to his opponents activities and behaviors in which they do not actually engage, but in which his colleagues, BDS proponents, do engage. Jewish groups do not shout down or disrupt BDS events or speakers. BDS groups, as a matter of policy and practice, do interrupt and try to shut down pro-Israel and Jewish group events and speakers.

A look at the AMCHA Anti-Semitism Tracker report for Case Western University is instructive. In 2016 and again in 2017 the CWRU Radical Student Union screened a film in which several speakers condoned terrorism against Israelis by justifying all violence against Israel, including acts of terrorism against Israeli citizens, as legitimate “resistance.” Many of the speakers demonized Israel, falsely accusing the Israeli government of “terrorism,” “murderous attacks,” and “acting like a monster,” and calling Israeli soldiers’ actions “inhumane” and “brutal.”

These allegations, of course, were untrue, and they also qualify as anti-Semitism under any definition. But the screenings of the films, however mendacious and hateful, constitute speech protected under the First Amendment (Whether the showing of such films could be an element in a “hostile environment” Title VI claim is an open question.). But the point is that Jewish and Israeli students never attempt to shut down or disrupt such screenings or speakers, because the Muslim students are engaging in protected speech.

As we have seen in the Ohio University case, the John Carroll University case, and the San Francisco State University case, the reverse is not true. The BDS organizations do not reciprocate the courtesy.

Proclaiming Justice to the Nations urges this honorable Committee to take the first step to remove the scourge of anti-Semitism from our Ohio university campuses. The adoption of HCR 10, which calls upon university administrators to modify the behavior of their institutions and their constituent members, is the first step in that direction.

Thank you for your time and attention. I stand ready to respond to your questions.