

**Testimony in Opposition to H.C.R. No. 10**  
**Ohio Senate Transportation, Commerce and Workforce Committee**  
**Addendum to Testimony**  
**Initially given March 21, 2018**  
**Added June 27, 2018**

Chairman LaRose, Vice Chair Kunze, Ranking Member Schiavoni and members of the Committee:

My testimony on March 21 was extensive and members asked good questions. While I focused extensively on the Court's opinion in *Koontz v. Watson*, which said:

*“While the Kansas Law may have been passed by the legislature with flying colors, that showing merely would demonstrate that one state legislature had enacted a statute. Such a showing would not place the Kansas Law on the same level as an amendment to our Constitution... A desire to prevent discrimination against Israeli businesses is an insufficient public interest to overcome the public's interest in protecting a constitutional right.”*

One of the lines of member questioning begged for an example of where student speech on a campus has been chilled due to policies that seek to quash and *de facto* criminalize speech against Israel, its government and policies.

So today I submit the attached report from the June 24, 2018 edition of *The Intercept*.

This article reports what happened at Seton Hall Law School in 2016, when a student posting statements supporting Palestine on Facebook was turned in to the FBI by someone at the school and questioned.

The FBI's use of the work of the insidious and shamefully anonymous Canary Mission, which tries to make pro-Palestinian student activists unemployable by accusing them, without evidence, of being linked to terrorism is beyond the pale. And the question for you is, do you want the Ohio general assembly to signal to universities that such behavior is not only OK, but condoned as a matter of policy. That is what H.C.R. No. 10 tells university administrators.

Shame on you if you answer “yes.”

As I told you in March, this is exactly how the proponents of this resolution want it to be used!

The 51 years of brutal military occupation and blockade, Apartheid and Ethnic Cleansing committed by Israel cannot be defended, so Zionist proponents of this measure and others like it seek to change the frame through which it is viewed, and that requires quashing the speech of anyone who says something they don't like or cannot defend, especially when it involves *Boycott, Divestment and Sanction* (BDS), which many Jews of conscience, including me, proudly practice and encourage.

But these policies do much more than just punish speakers. They also foment anti-Muslim sentiments and speech under the false flag of "fighting terrorism."

From the article:

*"This is where Islamophobic, 'alt-right,' Zionist harassers in the private sphere intersect with government suppression — your worst nightmare of the government and its law enforcement apparatus, which is already in widespread violation of basic civil rights, responding to the most racist elements of society demanding a crackdown on political expression," said Liz Jackson, a staff attorney at Palestine Legal, a group that assists students interviewed by law enforcement about Palestine.*

Seton Hall was not the only place this happened. It also happened in Chicago:

*"The other FBI interviews of organizers for Palestinian rights have carried similar threads. A University of Chicago student, who asked not to be named, was questioned in April 2018 based in part on Canary Mission propaganda. In another instance in 2014, FBI agents wanted to question Palestinian-American activist Huwaida Arraf because StoptheISM.com, another right-wing website, claimed without evidence that Arraf and the group she co-founded, the International Solidarity Movement, support terrorism. (The ISM is a group of foreign volunteers in the occupied Palestinian territories who support Palestinian action against the Israeli occupation.)"*

And it happened at UCLA:

*"The line of questioning that the FBI pursued in California echoes a theory advanced by right-wing activists that SJP (Students for Justice in Palestine) is linked to Hamas, a U.S.-designated foreign terrorist organization, because of SJP's ties to American Muslims for Palestine.*

*The theory has its roots in post-9/11 law enforcement scrutiny of Muslim-run charities that did humanitarian work in Palestine. These investigations are usually prompted by the legal bar on “material support” to terrorism — a broad law that prohibits not only giving cash to foreign terrorist groups, but also speech that encourages militant groups to engage in peaceful activism and the provision of humanitarian aid in areas controlled by militant groups. Civil liberties activists say the law chills free speech and political organizing and has ensnared Muslim-Americans who never gave money for or carried out a violent act.”*

Again, H.C.R. No. 10 is nothing more than a signal to universities that the general assembly approves of these measures to disfavor and criminalize speech critical of Israel, and universities will hear you. Again, that’s exactly what Zionist proponents of this resolution want to happen.

How American is that?

Since I last testified, the Israeli military slaughtered in cold blood 112 unarmed resisters, 13 under age 18, one as young as 8 months, and critically wounded 13,190 Palestinians exercising their right to resist occupation under the Fourth Geneva Convention in Occupied Gaza.

Were this an Ohio university campus, post H.C.R. No. 10, my mere saying that in a public forum could raise the ire of university administrators, particularly if I promoted BDS as a way to join the resistance. Administrators would use the expressions of the general assembly as cover to deny my rights.

Again, that is exactly what proponents of this resolution want to happen, which is why you should not allow it.

I remind you that I concluded my presentation in March by saying this resolution is really not about those of us who speak for human rights. It is about you.

It is about what kind of senator you want to be. What is your character?

Unlike the proponents of this measure, we cannot afford to take senators on all-expense-paid trips to Israel. And we can’t match their campaign largess, either.

This is your test.

Will you vote for something that you know is unconstitutional?

Will you vote for something that you know foments bigotry against Muslims on campuses, even if unintentionally?

Will you vote for something you know chills free speech?

Will you vote in favor of a phony, *non-sequitur* definition of “anti-Semitism” proffered to shield Israel’s crimes against humanity from criticism?

Will you vote to put Ohio students at risk of harassment or worse?

Or will you stand up and do the right thing by voting this resolution down now so it does not have to embarrass the full senate?

Like I said, this resolution is really about you.

Respectfully submitted,

Eric Resnick  
Canton, Ohio

# **THE FBI IS USING UNVETTED, RIGHT-WING BLACKLISTS TO QUESTION ACTIVISTS ABOUT THEIR SUPPORT FOR PALESTINE**

Alex Kane

June 24 2018, 8:00 a.m.



Photo: Meron Menghistab for The Intercept

Ahmad Aburas was sitting in class one evening in September 2016 when a security officer at Seton Hall Law School, the New Jersey school that Aburas attends, came to get him. Gerald Lenihan, the school's security manager, said he needed to speak to Aburas right away.

Aburas was surprised by the request, but he left his civil procedure class and followed Lenihan to his office, figuring it was about something inconsequential, like his car or school ID.

But when Aburas arrived at Lenihan's office, it quickly became apparent that this was about something different. In the office were two law enforcement agents: Craig Mott, a New Jersey state police detective, and Ted Kolshorn, an FBI agent, both part of the New Jersey Joint Terrorism

Task Force.

According to Aburas, Lenihan said, “These young men want to talk to you.” Then Lenihan left Aburas alone in his office with the two officers. For 35 minutes, they interviewed Aburas, not because they were interested in him as a criminal suspect, but because they had questions about pro-Palestinian messages he had written on Facebook. His was one in a string of FBI inquiries into pro-Palestine activists across the country in recent years.

Some of these interviews have rested on blacklists created by far-right, pro-Israel groups, and focused on alleged and unproven connections to militant groups in the Middle East. The Intercept has learned of four such interviews (though the number could be higher), two of which took place this year.

**For 35 minutes, they interviewed Aburas because they had questions about pro-Palestinian messages he had written on Facebook.**

**Join Our Newsletter**

**Original reporting. Fearless journalism. Delivered to you.**

**I'm in →**

In two of the interviews, including Aburas's, the FBI referenced Canary Mission, an anonymously run, right-wing website that compiles dossiers on activists who organize for Palestinian human rights on U.S. college

campuses, claiming – without evidence – that the students have ties to terrorism in an effort to make them unemployable.

Advocates for Palestinian human rights have in recent years triggered a national conversation about the seemingly unconditional U.S. military and financial support for the Israeli government. The work of these advocates has drawn increasingly hostile tactics from far-right groups who wish to silence them, and the FBI interviews underscore the power of those groups – whose false claims are now apparently informing government action.

Civil liberties advocates are alarmed by the interviews, which they say intimidate political organizers, chill constitutionally protected speech, and are just the latest manifestation of a 50-year history of U.S. government scrutiny of pro-Palestine activists. That the FBI is relying on information from the likes of Canary Mission creates even more cause for concern, because it signals that federal law enforcement is relying on unvetted blacklists designed to shut down criticism of Israel and smear students voicing pro-Palestinian political opinions.

“This is where Islamophobic, ‘alt-right,’ Zionist harassers in the private sphere intersect with government suppression – your worst nightmare of the government and its law enforcement apparatus, which is already in widespread violation of basic civil rights, responding to the most racist elements of society demanding a crackdown on political expression,” said Liz Jackson, a staff attorney at Palestine Legal, a group that assists students interviewed by law enforcement about Palestine.



Ahmad Aburas. Photo: Meron Menghistab for The Intercept

When the FBI approached Aburas two years ago, they had concerns about two of his Facebook posts that Canary Mission had shared on its Twitter account. In the first, published during a punishing Israeli assault on Gaza in 2014 that killed 500 Palestinian children, Aburas wrote: “We are all RESISTANCE ! We are all #hamas ! We are all HUMAN !” (Aburas told The Intercept in an interview that he is not a supporter of Hamas – the armed Palestinian political faction that has waged attacks on Israel because of its military occupation of Palestinian land – but rather, wanted to show support for Palestinians in Gaza, who were labeled as “Hamas members” in Israeli talking points to justify the killing of civilians during the war.) In an October 2015 post, he wrote in support of a Palestinian uprising against Israel. Those messages are First Amendment-protected speech.

Emails obtained by The Intercept reveal that Canary Mission alerted Seton Hall to Aburas’s words in June 2016. Patrick Linfante, associate vice president for public safety at Seton Hall University, then immediately alerted the FBI. (A Canary Mission spokesperson told The Intercept that, while the group is not surprised that the FBI is looking into “cases of vile anti-Semitism and other forms of bigotry,” it does not send tips to the FBI.)

Asked why the law school contacted the FBI about the political opinions of a student, Seton Hall University spokesperson Laurie Pine said that the law school “respects the rights of its students to express their own personal opinions, political or otherwise, in the classroom, in the public square, or on social media.” However, she added, “because the safety and well-being of our students are always our paramount concern, the University has an obligation to report activity it views as a potential threat and to cooperate with the authorities. Students have the right to



refuse to meet with the authorities should they so choose.” Pine did not explain what “potential threat” Aburas posed to the school.

**“I googled Aburas and found plenty of info regarding his open support of Palestine, freedom for Palestine and his contempt for Israel.”**

In a June 13, 2016, email about Aburas to other school employees, Linfante wrote: “See the attached tweet from Canary Mission to Seton Hall advising that one of our Law School students openly identifies with Hamas terrorists...Records indicate that he is currently registered this summer and the coming fall semester at the [law school]. I am sure the [law school] is aware or (they should be) of Mr.

Aburas and his political positions. I googled Aburas and found plenty of info regarding his open support of Palestine, freedom for Palestine and his contempt for Israel.”

Responding to that email, Lenihan, the security manager, wrote: “Pat does not feel that this is an immediate cause for concern but we should keep this student on our radar.”

The FBI and New Jersey police followed-up with Aburas on September 27, four months after Seton Hall had alerted law enforcement about the Facebook posts. Lenihan said in an email obtained by The Intercept that Aburas’s postings were being re-examined by law enforcement because of the September 2016 pressure-cooker bomb attack carried out in Man-

hattan by a New Jersey man.

According to Aburas, the law enforcement officers who questioned him were particularly concerned about what they saw as his support for Hamas and his organizing with Students for Justice in Palestine.

“They were asking me questions about connections to terrorism,” said Aburas. He said they asked him, “Do you know or sponsor any organizations outside the U.S.?” He added, “They asked me if I would stand with the United States.”

The law enforcement scrutiny came as no surprise to him.

As “a Muslim man living in America, coming from a Palestinian background,” Aburas said, “I don’t want to say I got used to it, but I did get used to it. It’s normal. We’re always going to be spied on.”

The other FBI interviews of organizers for Palestinian rights have carried similar threads. A University of Chicago student, who asked not to be named, was questioned in April 2018 based in part on Canary Mission propaganda. In another instance in 2014, FBI agents wanted to question Palestinian-American activist Huwaida Arraf because StoptheISM.com, another right-wing website, claimed without evidence that Arraf and the group she co-founded, the International Solidarity Movement, support terrorism. (The ISM is a group of foreign volunteers in the occupied Palestinian territories who support Palestinian action against the Israeli occupation. Arraf was not home when FBI agents came to her apartment in Albany, New York, but her lawyer later spoke with the FBI on her behalf.) And in two of the interviews, the FBI brought up Hamas.

FBI spokesperson Kelsey Pietranton did not directly answer questions about the questioning of activists who organize around Palestine. In a

statement to The Intercept, she said that the agency “relies on the American people to provide tips and information regarding criminal activity and possible threats to our nation’s security,” and that these “allegations are reviewed by the FBI for their merit, with consideration of any applicable federal laws – which does not necessarily result in the opening of an investigation. When warranted, we take all appropriate actions, including seeking further information and conducting interviews. Regardless, the FBI only investigates activity which may constitute a federal crime or pose a threat to national security. Our focus is not on membership in particular groups but on criminal activity. The FBI cannot initiate an investigation based solely on an individual’s exercise of their First Amendment rights.”



Nerdeen Kiswani from the New York City Students for Justice in Palestine chants, as hundreds of New Yorkers joined Palestinian advocacy groups to participate on an emergency rally on Jan. 5, 2018, calling for the immediate release of 16-year-old Ahd Tamimi and other Palestinian prisoners. Photo: Erik McGregor/Pacific Press/LightRocket via Getty Images

If the FBI was concerned about criminal activity among the student activists, its agents made no indication of that in the interviews. They did, however, ask questions that echoed far-right propaganda about unproven links between pro-Palestine activist groups and militant groups.

In the two interviews that touched on Hamas, FBI agents asked students about how Students for Justice in Palestine fundraised. In February 2018, FBI agents questioned a student at the University of California, Los Angeles, who requested anonymity. An agent asked if money from SJP was “funneled” to organizations in the Middle East. (SJPs typically fundraise through activities like bake sales and give that money back to the organization to pay speakers and organize events.) The FBI agent

also asked if the student knew anyone who “aligned with Hamas.”

“I felt really scared about the entire experience. If anything, it left me with a sense of loss of privacy. It was invasive,” the UCLA student said. “It’s really scary to think that doing this work can result in a visit from a federal agency when all you’re really doing is exercising your right to free speech.”

**“It left me with a sense of loss of privacy.”**

The line of questioning that the FBI pursued in California echoes a theory advanced by right-wing activists that SJP is linked to Hamas, a U.S.-designated foreign terrorist organization, because of SJP’s ties to American Muslims for Palestine.

The theory has its roots in post-9/11 law enforcement scrutiny of Muslim-run charities that did humanitarian work in Palestine. These investigations are usually prompted by the legal bar on “material support” to terrorism – a broad law that prohibits not only giving cash to foreign terrorist groups, but also speech that encourages militant groups to engage in peaceful activism and the provision of humanitarian aid in areas controlled by militant groups. Civil liberties activists say the law chills free speech and political organizing and has ensnared Muslim-Americans who never gave money for or carried out a violent act.

Most notably, in 2001, the Department of Justice shut down the Holy Land Foundation, and in 2008 prosecuted and jailed its leaders. Federal attorneys convinced a jury that the foundation, which gave money to

charities in Gaza, supported Hamas because the charities were allegedly controlled by Hamas and Palestinians helped by one of the groups had associated the aid with Hamas. However, those same relief organizations received U.S. government support and prosecutors never alleged that the Holy Land Foundation money went to militant attacks or were intended to support terrorism. The specific charities in Gaza that the foundation supported have never been placed on the U.S. government terrorist list.

But the closure of the foundation, once the largest Muslim-run charity in the U.S., and the convictions on charges of support for Hamas have cast a long shadow over Muslim political life in the U.S. Accusations of support for terrorism now dog any Muslim organization with former ties to the foundation.

Right-wing activists have seized on the fact that Muslims with former ties to the Holy Land Foundation have fundraised for American Muslims for Palestine and sit on its board, and that AMP has supported SJP chapters in the U.S.

“SJP is an integral part of the Hamas terrorist network,” David Horowitz, the prominent far-right activist who has relentlessly tried to link SJP to terrorism, told *The Intercept*. The student group “is funded by Hamas through American Muslims for Palestine,” he added. (Horowitz said he has not been in contact with the FBI about SJP.)

But Osama Abuirshaid, AMP’s national policy director, dismissed Horowitz’s claims as baseless. He also told *The Intercept* that while AMP gives grants to different SJP chapters – about \$10,000 a year – and organizes trainings for SJP, AMP has no influence on the student group’s internal affairs.

“It’s guilt by association,” said Abuirshaid. “They keep making like it’s a conspiracy, and there’s this connection and this hidden agenda. It’s all nonsense. There’s nothing. ... They’re desperate and trying to censor, instead of engage these students in a free debate.”

The FBI’s questions to activists are just the latest example of unwarranted harassment and surveillance of Americans who believe in Palestinian human rights, said Michael Deutsch, a Chicago-based lawyer who has defended many Palestinians from criminal charges in the U.S.

**“People are concerned about raising issues about Palestine in their community because they’re afraid they’ll be targeted.”**

“There is this continual cloud of potential repression of the Palestinian-American community,” he said. “Anytime the FBI is visiting people’s homes or their workplaces or placing informants in the mix of people who were doing public organizing, it creates a chilling effect of people. People are concerned about raising issues about Palestine in their community because they’re afraid they’ll be

targeted.”

Deutsch has seen this surveillance, which largely focuses on alleged links between activists in the U.S. and Palestinian groups abroad, escalate into indictments of activists and, in some cases, jail time or deportation for those who are not U.S. citizens.

In 2010, for instance, the FBI raided the homes of 23 Midwest-based activists and subpoenaed them to give testimony during an investigation into any “material support” they gave to the Popular Front for the Liberation of Palestine – allegations that stemmed from the testimony of an undercover informant. No charges were ever filed against the activists.

But, according to Deutsch, the government probe into Palestine solidarity activism eventually led federal agents to Rasmia Odeh, a revered Chicago-based Palestinian activist charged with lying to immigration authorities because she did not disclose her conviction in an Israeli military court on terrorism charges. Odeh, who was deported last year to Jordan, says her confession – to setting off a bomb in Jerusalem in 1969 that killed two students – was tortured out of her by Israeli soldiers.

There is no indication the current wave of FBI interviews is part of an investigation that will lead to criminal charges. Still, civil liberties advocates warn that the questioning poses a danger to free speech in the United States.

“They knock people off their feet in their confidence and their ability to just maintain their basic activism and their willingness to speak publicly about Palestine,” said Jackson of Palestine Legal, which also tracks instances of university suppression of pro-Palestine organizing. “Most people will think right away about what they say on social media and how many people they say it to. This means they stop speaking vocally and passionately about Palestinian suffering.”

Top photo: Ahmad Aburas, photographed in New York City on June 21, 2018.



We depend on the support of readers like you to help keep our nonprofit newsroom strong and independent. [Join Us →](#)