



3. I was surprised when I found out that Fordham University Dean of Students Keith Eldredge vetoed SJP's application for club status after it was approved by the United Student Government (USG). I believe that Dean Eldredge's decision to veto SJP's club status because he believed SJP would be polarizing was based largely on factually incorrect information presented to him by people who were hostile to SJP. I also believe that Dean Eldredge's decision to veto a student club for being 'polarizing' is inconsistent with the values and mission of Fordham University.

4. On October 6, 2016, Fordham student Gunar Olsen asked me to be faculty adviser for the proposed SJP club, and I agreed. My decision to take on this role was based both on my support for Palestinian rights and my belief that having an SJP club at Fordham would contribute in a positive way to the University's educational mission. In addition, when I met with several of the students involved with establishing SJP, I was impressed not just by their commitment to the cause but also by their interest in educating themselves and others about Palestinian issues and their desire to enter into dialogue with those who held different views.

5. I also believed that, as a Jesuit university committed to human rights, Fordham would welcome an organization devoted to advocacy for and education about a people living under occupation. My own knowledge about the Palestinian cause and Boycott, Divestment, and Sanctions (BDS) campaigns had developed over many years, and was catalyzed during a six-year long discussion within my professional and scholarly organization, the American Studies Association, which led to the organization voting to participate in an academic boycott of Israeli academic institutions. In short, I understood SJP's mission of education and advocacy as consistent with both my own values and those of Fordham University.

6. After USG voted to establish SJP as a registered student club, Dean Eldredge invited me to speak to him about SJP. I met with Dean Eldredge on December 2, 2016. During the meeting, he asked me questions about BDS campaigns for Palestinian rights and, specifically, about claims that BDS campaigns are anti-Semitic. I explained to Dean Eldredge that BDS is a non-violent, grassroots, Palestinian-led movement to pressure Israel to respect Palestinian rights and to comply with international law and that many BDS supporters – including myself – are Jewish. BDS is modeled after similar boycott campaigns that helped end Apartheid in South Africa and segregation in the U.S. I also explained to Dean Eldredge that BDS – and other forms of Palestinian rights activism – have been inaccurately portrayed as anti-Semitic by groups that advocate for Israel, but that the assertion that BDS is inherently anti-Semitic is factually wrong. I told Dean Eldredge that while support for BDS may be a minority position in the U.S., it is not marginal. We discussed the claim that SJP uses strong language in its criticism of Israeli policy, for instance its characterization of Israel as an apartheid state. I pointed out that many mainstream figures, including former president Jimmy Carter, agree that the word “apartheid” is appropriate in this context. I made these statements based on many years of involvement in discussions about Palestine and Israel.

7. During our conversation, I brought up an Anti-Defamation League (ADL) report written in opposition to SJP. I told Eldredge that I had reviewed the report because I thought it important to be exposed to varying points of view. I told him that, while ADL is by no means a neutral or objective source, what interested me is that there is nothing in the ADL report that would lead anyone to say that SJP should not be a recognized student group at Fordham.

8. I also assured Dean Eldredge that I would be an attentive faculty advisor for SJP. In other words, I was not going to just sign up as faculty advisor for SJP and then disappear. I told Dean

Eldredge that I had been in regular touch with the student members of SJP and that I planned to stay in regular communication with them about SJP activities. I also told Dean Eldredge how impressed I had been by the students in the group – their desire to learn and to enter into dialogue with others – and that I believed their organization as a student club would result in productive conversations about important issues at Fordham.

9. I knew that Dean Eldredge was consulting with other faculty members and student groups, and I was concerned that he was being misled about SJP. I was thus disappointed and alarmed when I heard that Dean Eldredge vetoed SJP. As far as I am aware, this was the first time Dean Eldredge had ever vetoed a student club that had already been approved by USG, and the first time he denied a club based on its views, in the more than ten years he had been Dean of Students.

10. When talking with Dean Eldredge, I believed he was gathering the information he needed to explain why the university was upholding the USG’s decision to recognize SJP as a club – that he was “doing due diligence,” as I characterized our meeting to him. Now that I have seen the full list of the sources Dean Eldredge consulted, it is clear to me that he primarily turned to faculty members, organizations, and news media with strong views supportive of Israeli policies and with a bias against SJP.

### **Rejecting SJP because it may be “polarizing” is inconsistent with Fordham’s values**

11. As an academic institution, Fordham University does not – and should not – shy away from difficult topics, even if some consider them to be “polarizing.” Universities are incubators of ideas, and, as such, they play an essential role in a free and democratic society. Inquiry and debate are essential to everything Fordham stands for as a university. As a university, Fordham

must welcome diverse perspectives and viewpoints, including unpopular and polarizing ones. The students seeking to form an SJP club made clear in their mission statement that they were committed to education, debate, and discussion. To justify censorship because certain ideas are polarizing is antithetical to the very foundation of any academic institution.

12. Moreover, as I understand it, and as the University includes as part of its mission its commitment “to research and education that assist in the alleviation of poverty, the promotion of justice, the protection of human rights and respect for the environment,” SJP’s mission to promote Palestinian human rights is perfectly in line with Jesuit tradition. As a group of Catholic clergy and academics noted in opposing Eldredge’s decision, “Catholic social teaching...has clearly highlighted the preference for the poor and marginalized, solidarity, human rights, and the common good of all... [S]uch denial by a Catholic university seems inconsistent with the mission and values of Jesus and Catholic social teaching.” *See* Letter from U.S. Catholic academics, clergy, & religious to Fr. McShane, President, Fordham Univ. (Mar. 28, 2017), attached hereto as Exhibit A.

13. Fordham’s faculty and student body include many people who advocate vocally and effectively for positions in support of Israeli policy. I know some faculty members who are supportive of Israeli policy who were eager to engage in debates that could have been sponsored or co-sponsored by an SJP club. Indeed, some of the faculty members who I know to be supporters of Israeli policy signed a petition, attached hereto as Exhibit B, in support of the club’s recognition. Dean Eldredge’s decision thus impoverished political discussion on all sides of these important issues.

14. As a professor of English and American Studies, I teach topics that some might view as polarizing, such as my course on “Writing Whiteness,” courses on ethnicity and immigration,

and courses on race and technology. My ability to teach these topics is essential to my classroom and to my students' educational development. The same is true for my colleagues. Discussions of these topics in the classroom are enriched by the presence of students in clubs that advocate varying positions in these controversies; similarly, debates and discussions outside the classroom are informed by courses that treat such "polarizing" issues directly. Thus Dean Eldredge's decision is in conflict with Fordham's teaching mission.

15. Similarly, Fordham has numerous student groups that some may consider to be polarizing (e.g., Feminists Alliance, Rainbow Alliance).

16. Fordham also hosts countless academic panels and speakers that some may view to be polarizing. Each of these enriches the academic experience that Fordham provides to its students. Dean Eldredge himself notes several examples of speakers Fordham has hosted who are considered by some to be polarizing, including Karl Rove and Newt Gingrich. Other recent examples include Cornel West and Adolph Reed.

17. However, when it comes to issues involving Palestinian rights, it appears that Fordham operates with a different set of rules. For example, Fordham's Graduate Student Association invited Professor Jasbir Puar to speak on campus on February 25, 2016. Several weeks earlier, on February 3, Puar presented a paper at Vassar College. As I understand it, Puar's Vassar talk was an ethnographic study of the way Gazans talked about Israeli policy during and after the 2014 assault on Gaza. During the course of presenting her scholarship, Puar critiqued Israeli policies towards Palestinians. Puar's Vassar talk was widely criticized among Israel advocacy groups and in the media. For example, the Wall Street Journal published an op-ed titled "Majoring in Anti-

Semitism at Vassar” in response to Puar’s talk.<sup>1</sup> Puar subsequently received hate mail, harassment, and threats including death threats.

18. As I understand it, shortly prior to her scheduled February 25 talk, which was titled “The Biopolitics of Debility in Gaza,” Fordham informed Puar that she could only speak if she agreed to have her talk videotaped, and to make the recording available to the public. Having just experienced backlash and threats from her Vassar talk, Puar decided to cancel her talk. I do not believe that, in my years at Fordham, any speaker has been required to submit to those requirements, including speakers supportive of Israeli policy. I believe Fordham applied different standards on Puar because of her pro-Palestinian views. This double standard resulted in the suppression of a perspective that advocates for Palestinian rights.

19. I believe Dean Eldredge’s action violated not only the rights of students to form clubs to advocate for their positions – even unpopular ones – but also Fordham’s commitments to both academic freedom and social justice. “If you have been at Fordham for any time at all,” President McShane has said, “you know that I am tireless—some would say *relentless*—in advocating for the University’s mission, in urging our students, and indeed all of you, to be men and women for others. I have said, many times, that I hope our graduates leave the campus bothered. Bothered by injustice. Bothered by poverty. Bothered by suffering.”<sup>2</sup> The students organizing the SJP club were – again in the University president’s words – “bothered by injustice” they saw in the world, and they set out, using the club recognition procedures the University presented to them, to fix the problems they saw. The student government clearly understood SJP’s goals in that light as

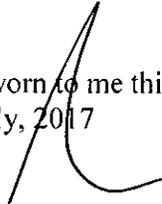
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<sup>1</sup> Mark G. Yudof & Ken Waltzer, *Majoring in Anti-Semitism at Vassar*, WALL ST. J., Feb. 17, 2016, <https://www.wsj.com/articles/majoring-in-anti-semitism-at-vassar-1455751940>.

<sup>2</sup> Joseph M. McShane, S.J., *President’s Message to the University*, FORDHAM NEWS, Dec. 19, 2014, <https://news.fordham.edu/campus-life/presidents-message-to-the-fordham-community/>.

well. But Dean Eldredge's decision denied the students the opportunity to do precisely what their university says it expects its students to do.

  
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Glenn Hendler

Sworn to me this 6<sup>th</sup> day of  
July, 2017  
  
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Notary Public

ALEXISAGATHOCLEOUS  
Notary Public, State of New York  
No. 02AG6177956  
Qualified in Kings County  
Commission Expires November 19, 2019