

**Not Your Parents'
American Civil Liberties Union (ACLU)**



Civil Liberties for Everyone Except Jews

July 2021

Contents

Foreword	3
Main Findings	6
Background	6
Staff Members.....	7
Partners and Collaboration.....	13
Scope of Work	16
Red Flags	19
Financials & Registration.....	27
Conclusion	28

Foreword

by Marc Greendorfer

Marc Greendorfer is President of Zachor Legal Institute, a civil rights advocacy organization.

At a time when antisemitism, especially among the progressive left in America, is being normalized and taking on openly aggressive contours, it is time to take action against those who are promoting what has been called the world's oldest hatred. While antisemitism in America has always been an issue, the rise of Marxist hate groups like Black Lives Matter, the Council on American-Islamic Relations and Antifa have turned what was a fringe problem into a widespread concern.

The American Civil Liberties Union, once a venerable organization that sought to uphold the Constitution and defend the rights of minority groups in America, is now openly aligned with extremist groups that undermine the Constitution and foment domestic terror against disfavored minority groups, including Jews. Whether it's turning a blind eye to Antifa's violence, teaming up with CAIR, an Islamist organization that has been named an unindicted co-conspirator of designated terror organizations, to attack common sense antidiscrimination laws meant to protect Jewish Americans or opposing the implementation of the International Holocaust Remembrance Alliance's working definition of antisemitism in schools (a measure meant to educate young people on the pernicious ways in which antisemitism breeds), the ACLU has been at the forefront of undermining legal protections for Jews while empowering terror-backed groups who have launched an international campaign that has been deemed to be the "New Antisemitism."

In an attempt to sanitize its pro-hate agenda, the ACLU applies a double standard when it comes to antisemitism. With every other form of hate, the ACLU makes no distinction between acts or words that might have a political element and those that are apolitical and discriminatory. With antisemitism, though, the ACLU dances on the heads of pins of hate to find the most dangerous forms of antisemitism to be protected political speech.

For example, at the time of this report, the State of Arizona was considering a law, HB2282, which would have implemented the internationally supported IHRA definition of antisemitism for purposes of ensuring that schools teach the history of the Holocaust, including information on how antisemitism has been promoted in the past. Part of this education was to include discussions of hate groups who attempt to deprive Jews, an indigenous people of the Middle East, of their right to self-determination in their historic homeland of Israel.

The ACLU, an organization that has otherwise defended all forms of state antidiscrimination laws, stated after a recent Supreme Court decision that “the court’s decision affirms again and again that our nation’s laws against discrimination are essential to maintaining America’s open society and that states can pass and enforce those laws”¹. Yet, when it comes to laws that protect Jews from antisemitism, the ACLU has flip flopped and now opposes only one type of antidiscrimination law, that targeting antisemitism, claiming that treating antisemitism as other forms of discrimination would somehow “chill” speech. This is not only a blatant double standard, it is factually incorrect. The only “chilling” from laws regulating antisemitism would be chilling the spread of rhetoric from groups like Black Lives Matter, CAIR, Antifa and other hate groups that has led to the dangerous levels of antisemitism we are now seeing.

While the ACLU sees attacks on the Jewish homeland of Israel as a purely political matter that should not be subject to antidiscrimination measures, just last year, Cecillia Wang, the ACLU’s Deputy Legal Director, contradicted this theory by publishing a statement titled “Let’s stop the scapegoating during a global pandemic”. Ms. Wang argued that reference to China when discussing COVID-19 encouraged hate against Asians. In 2020, Ms. Wang argued “President Trump, Secretary of State Mike Pompeo, and other U.S. officials have deliberately referred to SARS-CoV-2 as “the Chinese virus” or the “Wuhan virus” ... such labels lead to dangerous scapegoating and widespread ignorance.... In propagating this smear, these officials have fomented racism and overt acts of harassment and violence against Asian Americans.”²

Further, the ACLU has issued another statement in support of teaching critical race theory in schools, claiming that states that seek to prohibit such programs are censoring discussions of race and racism in schools.

Here’s what the ACLU has to say about one state’s attempt to curb antisemitism by teaching students about the history of antisemitism and encouraging discussions of antisemitism in classrooms: “Unfortunately, the definition and examples proposed for this bill incorrectly equate criticism of Israel with anti-Semitism, including many constitutionally protected statements.”

It is impossible to reconcile the ACLU’s claim that references to China when discussing COVID lead to hate against all Asians with their current claim that spreading age-old stereotypes against Jews under the guise of criticizing their homeland is protected political speech. It's also impossible to square the ACLU's arguments that critical race theory, which

¹ <https://www.aclu.org/blog/lgbtq-rights/lgbtq-nondiscrimination-protections/masterpiece-bakery-wins-battle-loses-war>.

² <https://www.aclu.org/news/racial-justice/lets-stop-the-scapegoating-during-a-global-pandemic/>.

many allege is a form of racism itself, should be encouraged while discussions of antisemitism should be prohibited.

With the ACLU's antisemitic allies in Black Lives Matter and Islamist groups like CAIR hunting Jews down on our streets and using schools to indoctrinate children with antisemitism, state and federal antidiscrimination laws focusing on antisemitism are a welcome step to protect Jewish Americans, only the ACLU has worked tirelessly to oppose these common sense measures. It is with this in mind that we are publishing this report, to document for those who have traditionally embraced the ACLU that it has become a partisan and antisemitic enabler of hate.



Marc Greendorfer

Main Findings

- For over 15 years, the ACLU’s national office and regional affiliates have defended and partnered with anti-Israel delegitimization actors and organizations.
- From 2017-2019, the ACLU lobbied and litigated against state and federal anti-Boycott, Divestment and Sanctions (BDS) laws. On its web pages highlighting this casework, the ACLU promotes amicus briefs submitted by BDS-supporting and terror-affiliated organizations.
- The ACLU also employs staff members previously or concurrently employed by BDS-supporting and Palestinian terror-affiliated organizations.
- ACLU staff members have spoken at events hosted by and accepted awards from delegitimization organizations.
- Nonetheless, the ACLU has repeatedly stated it defends BDS organizations and challenges anti-BDS laws solely to defend First Amendment rights and does not take a side in the Israeli-Palestinian conflict.

Background

The American Civil Liberties Union (ACLU) is a US-based organization with affiliates in every state, and regional affiliates in areas such as Northern and Southern California and Washington DC.³ Since its founding in 1920, the ACLU has promoted itself as a nongovernmental organization that works “to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country.”⁴ Throughout its 101-year history the ACLU has been hailed for protecting rights of all Americans, including defending the freedoms of speech and assembly for hate groups such as the Ku Klux Klan and Neo-Nazi organizations.⁵

Following the election of former President Donald Trump in 2016, the ACLU became characterized as increasingly partisan, with fundraising campaigns, casework, and annual reports highlighting its efforts against the Trump agenda.⁶ To some critics, the ACLU’s 2017-2019 casework targeting state anti-BDS laws passed by Republican-majority legislatures was

³ ACLU, [Affiliates](#), accessed 06/2021; ACLU, [Northern California](#), accessed 06/2021; ACLU, [Southern California](#), accessed 06/2021; ACLU, [ACLU of DC](#), accessed 06/2021

⁴ ACLU, [ABOUT THE ACLU](#), accessed 06/2021

⁵ ACLU, [ACLU-EM DEFENDS KKK'S RIGHT TO FREE SPEECH](#), published 09/07/2012, accessed 06/2021; Justia, [National Socialist Party of America v. Village of Skokie, 432 U.S. 43 \(1977\)](#), published 1977, accessed 06/2021

⁶ ACLU, [ACLU ANNUAL REPORT 2017](#), published 2017, accessed 06/2021, page 1; ACLU, [ACLU Annual Report 2018](#), published 2018, accessed 06/2021, page 2; ACLU, [ACLU ANNUAL REPORT 2019](#), published 2019, accessed 06/2021, page 6; ACLU, [ACLU ANNUAL REPORT 2020](#), published 2020, page 2; The New York Times, [Once a Bastion of Free Speech, the A.C.L.U. Faces an Identity Crisis](#), published 06/06/2021, accessed 06/2021

an extension of its growing left-leaning progressivism.⁷ Specifically, the ACLU has represented plaintiffs in Kansas, Arkansas, Texas, and Arizona challenging state anti-BDS laws, and has stated its opposition to the federal “Combating BDS Act,” which passed in the Senate in February 2019.⁸

The ACLU has consistently claimed that it does not take a position on the Arab Israeli conflict, arguing that these cases are being pursued solely to protect a supposed “right to boycott.”⁹ Nevertheless, ACLU’s legal advocacy is accompanied by staff and board affiliation and cooperation with delegitimization organizations. Moreover, the ACLU has defended anti-Israel delegitimization actors and organizations for over fifteen years, indicating that the ACLU’s litigation of anti-BDS laws is not a byproduct of its recent political activism.¹⁰

Staff Members

The following is a list of current and former ACLU staff and board members who are also affiliated with delegitimization organizations and actors. These staff members are leading or have led ACLU policy, or have devoted a significant portion of their work at ACLU to challenging anti-boycott laws and/or pro-Israel actors.

⁷ Vox, [The controversy over laws punishing Israel boycotts, explained](#), published 01/09/2017, accessed 06/2021; Tablet, [Is the ACLU Still Committed to Free Speech?](#), published 08/07/2017, accessed 06/2021

⁸ ACLU of Arkansas, [Motion for a Preliminary Injunction and Declaratory Relief](#), published 12/11/2018, accessed 05/2021; ACLU of Texas, [COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF PRELIMINARY STATEMENT](#), published 2019, accessed 05/2021 (archived); ACLU, [AFTER COURT DEFEAT, KANSAS CHANGES LAW AIMED AT BOYCOTTS OF ISRAEL](#), published 06/29/2018, accessed 05/2021; Casetext, [Jordahl v. Brnovich](#), published 09/27/2018, accessed 05/2021; ACLU, [ACLU COMMENT ON SENATE PASSAGE OF S.1 AND COMBATING BDS ACT](#), published 02/05/2019, accessed 06/2021

⁹ ACLU, [Instead of Ending the Shutdown, Senators Plan to Encourage Punishment of Israel Boycotts](#), published 01/07/2019, accessed 05/2021; ACLU, [In Congress, a Threat to Americans’ First Amendment Right to Boycott](#), published 01/28/2019, accessed 05/2021; ACLU, [With the Right to Boycott Under Attack, Some Members of Congress Are Pushing Back](#), published 07/23/2019, accessed 05/2021

¹⁰ Jewish Virtual Library, [Campus Anti-Semitism: The Palestine Solidarity Movement \(2004\)](#), published 2004, accessed 06/2021; [The Lantern, Palestinian Conference Angers Many Jews](#), published 09/29/2003, accessed 06/2021; Democracy Now!, [Justice Dept. Ends Decade-Long Prosecution of Sami Al-Arian, Palestinian Professor and Activist](#), published 06/29/2014, accessed 06/2021

Current Staff and Board Members

Anthony D. Romero



Romero has been employed as the ACLU's executive director since 2001.¹¹ Many, including the ACLU itself attribute to Romero the ACLU's anti-Trump progressive activism.¹² His bio on the ACLU website states, "Throughout Romero's tenure, the ACLU has pursued aggressive litigation and advocacy challenging the greatest injustices of our time," including "high-profile litigation and lobbying efforts to win the freedom to marry for same-sex couples; a nationwide campaign to reduce the prisons and jail populations by 50 percent and combat racial disparities within the criminal justice system; [and] the establishment of a project to assist in the defense of terrorism suspects being tried by military commission in Guantánamo."¹³

David Cole



David Cole has served as the ACLU's National Legal Director since 2016 and has also served as a Constitutional law professor at Georgetown University since 1990.¹⁴ The ACLU credits Cole's accomplishments as "successfully defending for over 21 years a group of Palestinian immigrants whom the government sought to deport for their political affiliations."¹⁵ One of the Palestinians who Cole represented was University of South Florida Professor Sami Al-Arian, who was later convicted of providing support for the Palestinian terror organization Islamic Jihad and was deported from the US to Turkey in 2015.¹⁶

¹¹ ACLU, [ANTHONY D. ROMERO](#), accessed 06/2021

¹² Princeton University, [We the People: A Conversation with the ACLU's Anthony Romero](#), published 03/04/2019, accessed 06/2021; The New York Times, [Once a Bastion of Free Speech, the A.C.L.U. Faces an Identity Crisis](#), published 06/06/2021, accessed 06/2021

¹³ ACLU, [ANTHONY D. ROMERO](#), accessed 06/2021

¹⁴ ACLU, [David Cole National Legal Director](#), accessed 06/2021

¹⁵ Ibid.

¹⁶ Jewish Virtual Library, [Campus Anti-Semitism: The Palestine Solidarity Movement \(2004\)](#), published 2004, accessed 06/2021; [The Lantern, Palestinian Conference Angers Many Jews](#), published 09/29/2003, accessed 06/2021; Democracy Now!, [Justice Dept. Ends Decade-Long Prosecution of Sami Al-Arian, Palestinian Professor and Activist](#), published 06/29/2014, accessed 06/2021; Tampa Bay Times, [Ex-USF professor Sami al-Arian deported to Turkey](#), published 02/06/2015, accessed 07/2021, The Oracle, [First amendment expert to analyze Al-Arian's case, published 03/28/2002](#), accessed 07/2021

Jamil Dakwar



Dakwar is an Israeli-American who has served as the director of the ACLU's Human Rights Program (HRP) since 2004.¹⁷ His recent work at the ACLU focuses on US relations with the International Criminal Court (ICC), including advocating that the US stand trial for war crimes and torture committed in Afghanistan, and suing the US government and former Trump administration officials for sanctioning ICC prosecutors in 2020.¹⁸

From 2003-2004 Dakwar worked at Human Rights Watch, where he “conducted research, advocated, and published reports on issues of torture and detention in Egypt, Morocco, Israel, and the occupied Palestinian territory.”¹⁹ From 1997-2002, Dakwar served as a senior staff attorney at Adalah: The Legal Center for Arab Minority Rights in Israel.²⁰ Dakwar is an advisory board member of Adalah Justice Project (AJP), a Boston-based “sister organization” of Adalah founded in 2014.²¹ AJP is active in campaigns including #DroptheADL, encouraging progressive organizations to end partnerships with the Anti-Defamation League due to its support for Israel. The organization also supports BDS campaigns.²²

Dakwar has been vocal in his support for the BDS movement. He co-wrote a June 14, 2016 *Haaretz* op-ed with law professor Nimer Sultany titled “**Only BDS Can Force Israel to Prove It's a Democracy for Its Arab Citizens Too.**”²³ Dakwar has also tweeted several times in support of BDS campaigns.²⁴

¹⁷ Jamil Dakwar, [LinkedIn](#), accessed 06/2021; Jamil Dakwar, [Twitter](#), published 11/19/2020, accessed 06/2021

¹⁸ ACLU, [U.S. Gave Its Torturers a Pass, So International Court Steps In](#), published 11/08/2017, accessed 06/2021; ACLU, [Trump Administration Threatens International Criminal Court Judges and Prosecutors for Doing Their Jobs](#), published 09/11/2018, accessed 06/2021; ACLU, [SADAT V. TRUMP - MOTION FOR PRELIMINARY INJUNCTION](#), published 03/12/2021, accessed 06/2021

¹⁹ ACLU, [BIO](#), accessed 06/2021; Jamil Dakwar, [LinkedIn](#), accessed 06/2021

²⁰ Jamil Dakwar, [LinkedIn](#), accessed 06/2021

²¹ Adalah, [U.S. State Department drops "Occupied Territories" & "occupation" from Israel human rights report](#), published 04/22/2018, accessed 06/2021; Adalah Justice Project, [Who We Are](#), accessed 06/2021

²² #DroptheADL, [Signatories](#), accessed 06/2021; Adalah Justice Project, [Twitter](#), published 01/22/2021, accessed 06/2021; Adalah Justice Project, [Twitter](#), published 04/14/2021, accessed 06/2021

²³ Haaretz, [Only BDS Can Force Israel to Prove It's a Democracy for Its Arab Citizens Too](#), published 06/14/2016, accessed 06/2021

²⁴ Jamil Dakwar, [Twitter](#), published 01/06/2019, accessed 07/2021; Jamil Dakwar, [Twitter](#), published 05/26/2021, accessed 07/2021; Jamil Dakwar, [Twitter](#), published 05/16/2021, accessed 07/2021



Jamil Dakwar, [Twitter](#), published 01/06/2019, accessed 07/2021

Brian Hauss



Brian Hauss is an ACLU senior staff attorney at the organization's Speech, Technology, and Privacy Project, and has been an ACLU attorney since 2012.²⁵ Hauss has served as an attorney for plaintiffs challenging BDS laws in Arkansas, Arizona, Kansas, and Texas.²⁶ Since 2020 Hauss has represented defendant New Israel Fund (NIF) pro bono in a case filed by The Zionist Advocacy Center (TZAC), alleging that the NIF engages political activities, violating its US tax-exempt status.²⁷ In March 2021, the defense

requested an appeal to the Second Circuit court following a judge's decision not to dismiss the case.²⁸

²⁵ Brain Hauss, [Twitter](#), accessed 05/2021; Brain Hauss, [LinkedIn](#), accessed 05/2021

²⁶ ACLU of Arkansas, [Motion for a Preliminary Injunction and Declaratory Relief](#), published 12/11/2018, accessed 05/2021; ACLU of Texas, [COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF PRELIMINARY STATEMENT](#), published 2019, accessed 05/2021 (archived); ACLU, [AFTER COURT DEFEAT, KANSAS CHANGES LAW AIMED AT BOYCOTTS OF ISRAEL](#), published 06/29/2018, accessed 05/2021; Casetext, [Jordahl v. Brnovich](#), published 09/27/2018, accessed 05/2021

²⁷ Forward, [Will lawsuit against New Israel Fund chill progressive fundraising?](#), published 10/08/2020, accessed 05/2021; Law360, [NY Israeli Group Seeks Appeal Of Challenge To Tax Exemption](#), published 03/03/2021, accessed 05/2021

²⁸ Charity and Security, [NIF'S NOTICE OF MOTION TO CERTIFY THE COURT'S FEBRUARY 16 OPINION & ORDER FOR INTERLOCUTORY APPEAL](#), published 03/02/2021, accessed 05/2021; Law360, [NY Israeli Group Seeks Appeal Of Challenge To Tax Exemption](#), published 03/03/2021, accessed 05/2021

Shakeel Sayed



Since 2007, Sayed has served as a board member of the American Civil Liberties Union of Southern California.²⁹ Sayed is also the regional director for American Muslims for Palestine (AMP) on the West Coast and a director of AMP's national fiscal sponsor, AJP Educational Foundation Inc.³⁰

Former Staff and Board Members

Faiz Shakir



Shakir served as the ACLU's political director between 2017-2019 prior to taking up a new position as campaign manager for 2020 presidential candidate Bernie Sanders in 2019.³¹ From 2005-2012 Shakir served as the vice president of the Center for American Progress. During his tenure, several writers published antisemitic pieces accusing Jewish politicians of being more loyal to Israel than the United States.³²

²⁹ Al-Awda, [Convention Speakers](#), published 2018, accessed 05/2021; Shakeel Syed, [LinkedIn](#), accessed 05/2021

³⁰ AMP, [Shakeel Sayed](#), accessed 05/2021; Pro Publica, [AJP EDUCATIONAL FOUNDATION INC](#), published 2019, accessed 05/2021

³¹ Faiz Shakir, [LinkedIn](#), accessed 05/2021

³² JNS, [Report: Two Sanders's campaign advisers have anti-Israel record](#), published 03/10/2019, accessed 07/2021

Noa Yachot



Yachot served as the ACLU’s senior editor from 2013-2019 or 2020, and currently serves as The Guardian’s US Membership Editor.³³ She serves as a board member of +972 Magazine, and prior to her employment at the ACLU was its managing editor.³⁴ According to its “About” section, +972 Magazine is “committed to human rights, democracy, and freedom of information, and actively opposes the Israeli occupation” and puts “a particular focus on elevating the voices of people working to end the occupation and those most affected by it.”³⁵

Naomi Dann



From October 2017-May 2019, Dann served as a media strategist at ACLU’s New York affiliate, the New York Civil Liberties Union (NYCLU).³⁶ Dann previously worked at delegitimization group Jewish Voice for Peace (JVP) where she served as its media program manager from 2014-2017.³⁷ Dann tweeted in support of BDS campaigns several times during her tenure at the ACLU.³⁸

Carl Williams



Williams, currently a lecturer at Yale Law School, was an attorney at the ACLU of Massachusetts from 2013-2018. In 2018, during his tenure at the ACLU he spoke on the panel “Black Palestinian Solidarity” for Harvard University’s Israel Apartheid Week hosted by the student organization Palestine Solidarity Committee.³⁹ Williams’ Twitter profile features the hashtag #BDS.⁴⁰

³³ +972 Magazine, [Noa Yachot](#), accessed 06/2021

³⁴ +972 Magazine, [Noa Yachot](#), accessed 06/2021; +972 Magazine, [Team](#), accessed 06/2021

³⁵ +972 Magazine, [About](#), accessed 06/2021

³⁶ NYCLU, [Naomi Dann](#), published 2018, accessed 05/2021; NYCLU, [ABOUT THE NYCLU](#), accessed 05/2021

³⁷ Naomi Dann, [LinkedIn](#), accessed 05/2021

³⁸ Naomi Dann, [Twitter](#), published 01/04/2019, accessed 05/2021; Naomi Dann, [Twitter](#), published 10/11/2017, accessed 05/2021; Naomi Dann, [LinkedIn](#), accessed 05/2021

³⁹ The Harvard Crimson, [Palestine Solidarity Committee Holds 'Israeli Apartheid Week'](#), published 04/16/2018, accessed 05/2021

⁴⁰ Carl Williams, [Twitter](#), accessed 05/2021

Taher Herzallah



Several profiles of AMP Associate Director of Outreach and Grassroots Organizing Taher Herzallah state that he has previously served as a community organizer with the ACLU of Southern California.⁴¹

Partners and Collaboration

Promoting Amicus Briefs by Delegitimization Organizations

Several pages on ACLU national state affiliate websites about ACLU casework challenging anti-BDS laws feature amicus briefs written by leading US delegitimization organizations.⁴² These briefs echo the ACLU's claims that anti-BDS legislation stifles First Amendment rights.⁴³ Amicus briefs are statements offered by organizations and individuals, referred to as amici curiae or "friends of the court," who not party to a case but provide supplemental information to strengthen the arguments of either the plaintiff or defense.⁴⁴

A January 14, 2021 amicus brief published on the ACLU website in support of its casework against Arizona's anti-BDS law is co-written by amici curiae Center for Constitutional Rights (CCR) and Palestine Legal.⁴⁵ Palestine Legal, founded in 2012, acts as the legal defense fund for BDS activists.⁴⁶ Its staff, and its partners regularly defend individuals accused of anti-Semitism as well as assisting in the legal defense of terrorists, including Guantanamo Bay detainees.⁴⁷ CCR is one of the leading legal organizations pressuring the International Criminal

⁴¹ MFLA, Muslim Legal Fund of America, [Taher Herzallah on Countering Islamophobia & Anti-Semitism Hand in Hand](#), accessed 05/2021; Muhsen, [AMP Associate Director Taher Herzallah to Speak at FOSNA](#), published 07/08/2020, accessed 05/2021; Taher Herzallah, [LinkedIn](#), accessed 05/2021

⁴² ACLU, [AMICUS BRIEF ON BEHALF OF GROUPS PARTICIPATING IN BOYCOTTS OF ISRAEL](#), published 01/22/2019, accessed 06/2021; ACLU, [AMICUS BRIEF ON BEHALF OF THE CENTER FOR CONSTITUTIONAL RIGHTS AND PALESTINE LEGAL](#), published 01/24/2019, accessed 06/2021

⁴³ Ibid.

⁴⁴ Cornell Law School, [Amicus Curiae](#), accessed 06/2021

⁴⁵ ACLU, [AMICUS BRIEF ON BEHALF OF THE CENTER FOR CONSTITUTIONAL RIGHTS AND PALESTINE LEGAL](#), published 01/24/2019, accessed 06/2021

⁴⁶ Palestine Legal, [About us](#), accessed 06/2021

⁴⁷ Palestine Legal, [Cases](#), accessed 06/2021

Court (ICC) to charge Israel with war crimes and calls for an end to US aid to Israel.⁴⁸ The brief falsely attributes a 2014 Bill and Melinda Gates Foundation decision to sell its stake in security firm G4S to anti-Israel BDS pressures, omitting any mention of the Foundation's other grants to Israeli universities.⁴⁹

A January 22, 2019, amicus brief supporting ACLU's case against Arizona's anti-BDS law was submitted on behalf of "Groups participating in boycotts of Israel."⁵⁰ One of the brief's amici curiae was Jewish Voice for Peace (JVP). As a progressive Jewish voice that openly opposes Zionism⁵¹ and the existence of Israel,⁵² JVP gives credence and legitimacy to the BDS movement, particularly in its denial that it is antisemitic in nature. However, JVP itself, as well as its employees and members, consistently use antisemitic rhetoric, including comparing Palestinians to Jews in Nazi Germany,⁵³ and comparing contemporary Israeli policy to that of the Nazis.⁵⁴

Another amicus curiae was US Campaign for Palestinian Rights (USCPR).⁵⁵ USCPR serves as the umbrella organization of the Boycott National Committee (BNC) and BDS Movement in North America.⁵⁶ Until at least June 29th, 2018, USCPR served as the fiscal sponsor of the Palestinian BDS National Committee (BNC),⁵⁷ the coordinating body for the BDS Movement worldwide⁵⁸ that includes the Council of National and Islamic Forces in Palestine,⁵⁹ a coalition comprised of five US-designated terror organizations.⁶⁰

⁴⁸ Center for Constitutional Rights, [U.S. Complicit in Israel's War Crimes and Crimes Against Humanity Against Palestinians: Center for Constitutional Rights Responds to Israel's Violent, Illegal Attempts to Suppress Palestinian Freedom Struggle](#), published 05/12/2021, accessed 06/2021; Center for Constitutional Rights, [ICC's "Landmark Decision" Could Open Door to Prosecuting Israel for War Crimes in Palestine](#), published 02/09/2021, accessed 06/2021

⁴⁹ Bill & Melinda Gates Foundation, [Technion – Israel Institute of Technology](#), accessed 06/2021; Bill & Melinda Gates Foundation, [The Hebrew University of Jerusalem](#), accessed 06/2021;

⁵⁰ ACLU, [AMICUS BRIEF ON BEHALF OF GROUPS PARTICIPATING IN BOYCOTTS OF ISRAEL](#), published 01/22/2019, accessed 06/2021

⁵¹ Jewish Voice for Peace, [Our Approach to Zionism](#), accessed 06/2021

⁵² Heritagefl, [Jews Abetting Hamas Are No Voice for Peace](#), published 09/2014, accessed 06/2021

⁵³ JVP, [Twitter](#), published 03/25/18, accessed 06/21; JVP, [Twitter](#), published 01/08/2015, accessed 06/2021; JVP, [Twitter](#), published 02/08/2013, accessed 06/2021

⁵⁴ JVP-DC Metro, [Facebook](#), accessed 06/2021; JVP, [Facebook](#), published 08/20/17, accessed 06/2021

⁵⁵ ACLU, [AMICUS BRIEF ON BEHALF OF GROUPS PARTICIPATING IN BOYCOTTS OF ISRAEL](#), published 01/22/2019, accessed 06/2021

⁵⁶ US Campaign, [About Us](#), accessed 05/2021

⁵⁷ Armin Rosen and Liel Leibovitz, [BDS Umbrella Group Linked to Palestinian Terrorist Organizations](#), Tablet Magazine, published 06/01/18, accessed 05/2021

⁵⁸ BDS Movement, [Palestinian BDS National Committee](#), accessed 05/2021

⁵⁹ Movement, [BNC statements](#), published 09/08, accessed 05/2021 (archived); BDS Movement, [Palestinian BDS National Committee](#), accessed 05/2021

⁶⁰ Jerusalem MCC, [Statement issued by the National and Islamic Forces](#), published 02/10/01, accessed 05/2021; National and Islamic Forces, [Facebook](#), published 11/15/16, accessed 05/2021; US State Department, [Foreign Terrorist Organizations](#), accessed 05/2021

A third amicus curiae, US Campaign for the Academic and Cultural Boycott of Israel (USACBI), was founded in 2009 in response to the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) call to boycott Israel in the fields of academia and culture.⁶¹ USACBI supports various campaigns in the US against Israeli academic institutions.⁶²

A fourth amicus curiae, US Palestinian Community Network (USPCN), has founders and leaders who are connected to terror. Rasmae Odeh, a USPCN leader for many years,⁶³ is a convicted PFLP terrorist that was extradited from the US.⁶⁴

Rafeeq Jaber and Magdi Odeh, listed as agents on USPCN's official articles of incorporation, were both employees for the Islamic Association of Palestine,⁶⁵ Hamas's advertising arm in the United States.⁶⁶ USPCN founder Hatem Abudayyeh,⁶⁷ had his house raided by the FBI and his assets frozen on account of potential terror financing.⁶⁸ Other delegitimization organizations which served as amici curiae on the brief include American Friends Service Committee (AFSC), Israel Palestine Mission Network of the Presbyterian Church (USA), and Friends of Sabeel North America.⁶⁹

An April 15, 2019, amicus brief hosted on the ACLU of Arkansas's website in support of its case work against the state's anti-BDS law has the same amici curiae.⁷⁰

⁶¹ Google Books, [Against Apartheid: The Case for Boycotting Israeli Universities](#), accessed 06/2021, USACBI, [Call for Academic and Cultural Boycott of Israel](#), accessed 06/2021

⁶² USACBI, [Support the ASA: What you can do?](#) accessed 06/2021; ASA, [Caucus and Palestine-related events at ASA Annual Meeting](#), published 09/23/15, accessed 02/19

⁶³ USPCN, [Facebook](#), published 12/14/2017, accessed 06/2021

⁶⁴ US Immigration and Customs Enforcement, Department of Homeland Security, [Convicted terrorist stripped of citizenship, ordered deported for failing to disclose ties to deadly bombing](#), published 08/18/17, accessed 06/2021

⁶⁵ N.D. Illinois, [Boim v. Quranic Literacy 340 F. Supp. 2d 885 \(N.D. Ill. 2004\) District Court](#), filed 11/10/04, accessed 06/21; IAP, [Contact Us](#) [archived], published 04/07/03, accessed 06/2021

WRMEA, [Chicago-Area Mosque Vandalized](#), published 07/99, accessed 06/2021

⁶⁶ N.D. Illinois, [Boim v. Quranic Literacy 340 F. Supp. 2d 885 \(N.D. Ill. 2004\) District Court](#), filed 11/10/04, accessed 06/2021; IAP, [Contact Us](#) [archived], published 04/07/03, accessed 06/2021

US Department of State, Bureau of Counterterrorism, [Foreign Terrorist Organizations](#), accessed 06/2021; Washington Post, [Two Men Acquitted of Conspiracy To Fund Hamas Activities in Israel](#), , published 02/02/07, accessed 12/20

⁶⁷ Chicago Monitor, [Hatem Abudayyeh](#), accessed 06/2021

⁶⁸ Committee to Stop FBI Repression, [Palestinian Community Leader Hatem Abudayyeh and Supporters Claim Victory](#), published 05/10/11, accessed 06/2021; Chicago Tribune, [FBI raids anti-war activists' homes](#), published 09/24/10, accessed 06/2021

⁶⁹ ACLU, [AMICUS BRIEF ON BEHALF OF GROUPS PARTICIPATING IN BOYCOTTS OF ISRAEL](#), published 01/22/2019, accessed 06/2021

⁷⁰ ACLU of Arkansas, [BRIEF OF AMICI CURIAE. AMERICAN FRIENDS SERVICE COMMITTEE. ISRAEL PALESTINE MISSION NETWORK OF THE PRESBYTERIAN CHURCH \(USA\), A JEWISH VOICE FOR PEACE, INC., US CAMPAIGN FOR PALESTINIAN RIGHTS, US PALESTINIAN COMMUNITY NETWORK, US CAMPAIGN FOR THE ACADEMIC AND CULTURAL BOYCOTT OF ISRAEL AND FRIENDS OF](#)

Collaboration with Palestine Legal

The ACLU of New Jersey cosigned a May 29, 2019, letter with Palestine Legal and CCR in protest of the cancellation of a reading of the children’s book *P is for Palestine* at the Highland Park, NJ Public Library.⁷¹ The letter states it is written on behalf of the Central New Jersey branch of JVP, and argues that the cancellation was in violation of the First Amendment.⁷² Proponents of the cancellation argued the book glorifies the Palestinian intifada, or violent uprising, and promotes antisemitism.⁷³

ACLU and its state affiliates have also collaborated with Palestine Legal on several cases defending campus BDS activists including defending the use of the University of California Los Angeles (UCLA) mascot in Students for Justice in Palestine (SJP) materials and arguing against the cancellation of a divestment referendum at Northeastern University.⁷⁴

Scope of Work

ACLU Litigation Against State and Federal Anti-BDS Laws

Since October 2017, the ACLU has filed lawsuits challenging anti-BDS laws in Arizona, Kansas, Arkansas, and Texas. Brian Hauss argued in an October 11, 2017, Haaretz op-ed, published the day the ACLU’s first lawsuit against anti-BDS legislation was filed in Kansas, that these laws are unconstitutional.⁷⁵ Hauss iterated, “The ACLU takes no position for or against campaigns to boycott Israel or any other foreign country, but we have long defended the right to participate in political boycotts.”⁷⁶ The op-ed, and other ACLU statements in support of its litigation, argues that boycotts are a protected component of American history.

[SABEEL NORTH AMERICA, IN SUPPORT OF PLAINTIFF-APPELLANT AND REVERSAL](#), published 04/15/2019, accessed 06/2021

⁷¹ Squarespace, [Highland Park Public Library’s Cancellation of May 19 Event](#), published 05/29/2019, accessed 06/2021

⁷² Ibid.

⁷³ JNS, [Highland Park library’s ‘P Is for Palestine’ controversy ends with closed-door compromise](#), published 06/05/2019, accessed 06/2021

⁷⁴ Palestine Legal, [UCLA Falsely Claims Bear Used by Palestinian Rights Group is a Trademark Violation](#), published 11/08/2018, accessed 06/2021; Palestine Legal, [Northeastern University Attempts to Block Divestment Referendum](#), published 03/13/2015, accessed 06/2021

⁷⁵ ACLU, [The Right to Boycott Is Under Threat](#), published 10/11/2017, accessed 06/2021

⁷⁶ Ibid.

It goes on to draw comparisons between BDS campaigns, the Boston Tea Party, and boycotts against apartheid South Africa.⁷⁷

In all of its cases challenging state BDS laws, the ACLU represented plaintiffs who served as contractors who were asked to sign anti-BDS pledges to receive state contracts, arguing that they infringed on their right to freedom of expression.⁷⁸ As of June 2021, federal courts struck down the anti-BDS laws in all four states for violating the First Amendment, with many, including the ACLU itself, crediting the organization for the courts' decisions.⁷⁹

ACLU Lobbying Efforts Against Federal and State Anti-BDS Legislation

The ACLU has been vocally opposed to the bipartisan *Combating BDS Act, S.1 - Strengthening America's Security in the Middle East* act, which passed in the Senate on February 5, 2019.⁸⁰ This legislation upheld state anti-BDS laws and provided legal backing for state governments to avoid entities that engage with companies involved in boycotts.⁸¹ The ACLU criticized the bill in several blog posts on its website by staff attorneys Brian Hauss, former communications strategist Abdullah Hasan, and senior legislative counsels Kate Ruane and Manar Waheed.⁸²

A January 8, 2019 post on the ACLU's Facebook called on supporters to "take action" and contact their senators to convince them to vote against the legislation.⁸³ On January 7, 2019, ACLU senior staff members wrote an open letter to members of the Senate, urging them to vote "no" for cloture on the Combating BDS Act, urging debate to proceed.⁸⁴

⁷⁷ ACLU, [The First Amendment Protects the Right to Boycott Israel](#), published 07/20/2017, accessed 06/2021; ACLU, [The Right to Boycott Is Under Threat](#), published 10/11/2017, accessed 06/2021; ACLU, [Congress Is Trying to Use the Spending Bill to Criminalize Boycotts of Israel and Other Countries](#), published 12/10/2018, accessed 06/2021

⁷⁸ ACLU, [KOONTZ V. WATSON — CHALLENGE TO KANSAS LAW TARGETING BOYCOTTS OF ISRAEL](#), published 10/11/2017, accessed 06/2021; ACLU of Arkansas, [Brief in support of motion for preliminary injunction and declaratory relief](#), published 12/11/2018, accessed 06/2021; ACLU, [ACLU Files Second Lawsuit Challenging Laws Suppressing Boycotts of Israel](#), published 12/08/2017, accessed 06/2021; ACLU of Texas, [ACLU OF TEXAS FILES FIRST AMENDMENT CHALLENGE TO ANTI-BOYCOTT LAW](#), published 12/18/2018, accessed 06/2021

⁷⁹ ACLU, [IN FIRST, JUDGE BLOCKS KANSAS LAW AIMED AT BOYCOTTS OF ISRAEL](#), published 01/30/2018, accessed 06/2021; ACLU, [THIRD FEDERAL COURT BLOCKS ANTI-BDS LAW AS UNCONSTITUTIONAL](#), published 04/25/2019, accessed 06/2021; Lawfare, [Eighth Circuit Strikes Down Arkansas's Anti-BDS Law](#), published 03/01/2021, accessed 06/2021; ACLU, [FEDERAL COURT BLOCKS ARIZONA LAW AIMED AT ANTI-ISRAEL BOYCOTTS](#), published 09/27/2018, accessed 06/2021

⁸⁰ Congress.gov, [S.1 - Strengthening America's Security in the Middle East Act of 2019](#), published 2019-2020, accessed 05/2021

⁸¹ Ibid.

⁸² ACLU, [Instead of Ending the Shutdown, Senators Plan to Encourage Punishment of Israel Boycotts](#), published 01/07/2019, accessed 05/2021; ACLU, [In Congress, a Threat to Americans' First Amendment Right to Boycott](#), published 01/28/2019, accessed 05/2021; ACLU, [With the Right to Boycott Under Attack, Some Members of Congress Are Pushing Back](#), published 07/23/2019, accessed 05/2021; ACLU, [Marco Rubio and His Colleagues Need a Refresher on the First Amendment](#), published 01/09/2019, accessed 05/2021

⁸³ ACLU, [Facebook](#), published 01/09/2019, accessed 05/2021

⁸⁴ ACLU, [ACLU STATEMENT ON S. 1 CLOTURE VOTE AND LANGUAGE TO CONDONE UNCONSTITUTIONAL ANTI-BDS LAWS](#), published 01/07/2019, accessed 05/2021

An ACLU open letter signed by Faiz Shakir to the Senate’s Banking, Housing, and Urban Affairs Committee addressed an earlier iteration of the bill and challenged the legality of state anti-BDS legislation.⁸⁵



ACLU, [Facebook](#), published 01/09/2019, accessed 05/2021

A July 5, 2016 letter to Senators Kay Granger and Nita Lowey by former ACLU Director Karin Johanson and former Chief of Staff/First Amendment Counsel Michael Macleod-Ball was written in opposition to “any proposed amendment to the State and Foreign Operations Appropriations bill that would condone state laws penalizing businesses and individuals who express support for a boycott, divestment, or sanctions (“BDS”) against Israel.”⁸⁶

⁸⁵ ACLU, [ACLU LETTER TO SENATE BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE ON S. 170, THE COMBATING BDS ACT](#), published 05/10/2018, accessed 05/2021

⁸⁶ ACLU, [RE: Oppose Any Anti-BDS Amendment to State/Foreign Operations Appropriations Bill](#), published 07/05/2016, accessed 06/2021

ACLU lobbying efforts have succeeded in retracting political support from Democrat politicians for national anti-BDS legislation. 2020 Democratic presidential candidate Kirsten Gillibrand was one of 58 sponsors of S.720 - Israel Anti-Boycott Act, an anti-BDS bill introduced to the Senate on March 23, 2017.⁸⁷ However, in August 2017, Gillibrand withdrew her support of the bill, citing conversations with ACLU staff members.⁸⁸ In 2017, Massachusetts Rep. Joseph P. Kennedy III stated he was reviewing his support for an anti-BDS bill he sponsored because of ACLU’s concerns that the bill violated the First Amendment.⁸⁹

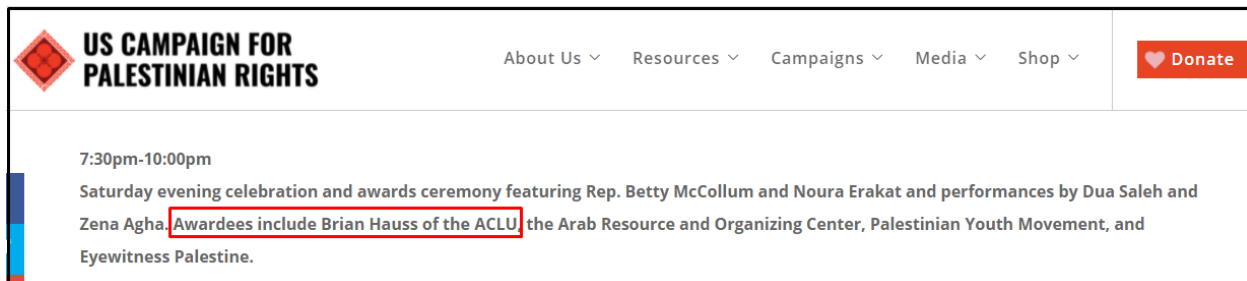
Red Flags

ACLU Staff Participation in Events Featuring Pro-Terror Actors and Defense of Terror

Several ACLU staff members have participated in events featuring or hosted by delegitimization organizations which have glorified terror, collaborated with US-designated terror organizations, or have engaged in antisemitism.

Brian Hauss:

On April 4, 2018, Brain Hauss spoke to the pro-BDS student group Penn Law Palestine Solidarity at the University of Pennsylvania.⁹⁰ On September 29, 2018, Hauss accepted an award from USCPR.⁹¹



The screenshot shows the website for the US Campaign for Palestinian Rights. The header includes the organization's name, navigation links (About Us, Resources, Campaigns, Media, Shop), and a red 'Donate' button. The main content area displays event details for a Saturday evening celebration and awards ceremony. The text mentions Rep. Betty McCollum and Noura Erakat, and lists awardees including Brian Hauss of the ACLU, the Arab Resource and Organizing Center, Palestinian Youth Movement, and Eyewitness Palestine.

US Campaign for Palestinian Rights, [Program](#), published 09/2018, accessed 05/2021

⁸⁷ Congress.gov, [S.720 - Israel Anti-Boycott Act](#), published 03/23/2017, accessed 05/2021

⁸⁸ The Jerusalem Post, [Sen. Kirsten Gillibrand withdraws support for anti-BDS bill](#), published 08/03/2017, accessed 05/2021

⁸⁹ Boston.com, [Rep. Joe Kennedy III ‘reviewing’ controversial Israel anti-boycott bill he supports following ACLU concerns](#), published 07/19/2017, accessed 05/2021

⁹⁰ Penn Law, [Anti-Boycott Legislation and the “Palestine Exception” to Free Speech](#), published 04/04/2018, accessed 05/2021

⁹¹ US Campaign for Palestinian Rights, [Program](#), published 09/2018, accessed 05/2021; Huwaida Arraf, [Twitter](#), published 09/30/2018, accessed 05/2021



Huwaida Arraf, [Twitter](#), published 09/30/2018, accessed 05/2021

On May 23, 2019, Hauss spoke at an event in Brooklyn, NY titled “The Right to Boycott: BDS & Your Civil Liberties.”⁹² One of the sponsors of the event was Samidoun Palestinian Prisoner Solidarity Network.⁹³ In February 2021, Israel designated Samidoun as a terrorist organization, citing that it “plays a leading and significant role in the Popular Front for the Liberation of Palestine (PFLP)’s anti-Israel propagand efforts, fundraising, and recruiting activists.”⁹⁴ The PFLP is a designated terror organization in Canada, Israel, the US, and EU.⁹⁵


⁹² [Hauss attended the event, and can be seen at 43:12](#), but his speech was [not recorded](#); Brooklyn for Peace, [Twitter](#), published 05/02/2019, accessed 05/2021

⁹³ The Right to Boycott – BDS and Your Civil Liberties, [YouTube](#), published 07/02/2019, accessed 05/2021

⁹⁴ NBCTF - National Bureau for Counter Terror Financing, [Israel Designates "Samidoun" As A Terrorist Organization](#), published 02/21/2021, accessed 03/21

⁹⁵ Public Safety Canada, [Currently listed entities](#), accessed 02/2021; US Department of State, [Foreign Terrorist Organizations](#), accessed 02/2021; Official Journal of the European Union, [COUNCIL DECISION \(CFSP\) 2020/20 of 13 January 2020 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision \(CFSP\) 2019/1341](#), published 01/14/2020, accessed 02/2021; Israeli Ministry of Justice, [List of Declared Prohibited and Terror Organizations Ensuing to Defense Regulations \(Emergency\), 1945, and the Anti-Terror Financing Law, 5765-2005](#), accessed 03/2021

Another event sponsor was Al-Awda New York, which is a member of the Florida-based Al-Awda Palestinian Right to Return Coalition (“PRRC”).⁹⁶ Al-Awda PRRC hosts convicted terrorists at its events,⁹⁷ has provided funds and materials to terror organizations,⁹⁸ and has leaders and members that have made antisemitic remarks.⁹⁹



Brooklyn For Peace
87 subscribers

On Thursday, May 23rd, 2019, Brooklyn For Peace held a public forum on "The Right to Boycott-BDS and Your Civil Liberties. Speakers discussed the importance of BDS as a global campaign to achieve human rights for Palestinians, as well as the rise of anti-BDS state and federal laws that undermine our Constitution.

Speakers included:
 Nerdeen Kiswani, founder of Within Our Lifetime - United for Palestine
 Brian Hauss, ACLU Staff Attorney, working on the Speech, Privacy, and Technology project
 Sumaya Awad, Palestinian writer and organizer, and co-founder of Against Canary Mission
 Poetry performance by Remi Kanazi, Palestinian-American performance poet, writer and organizer

Location: Brooklyn Commons, 388 Atlantic Avenue, between Hoyt and Bond, downtown Brooklyn
 Sponsored by: Brooklyn For Peace

Co-sponsors: Al Awda NY, All Souls Unitarian Universalists for Justice in the Middle East, Arab American Federation, CodePink-NYC, Committee to Stop FBI Repression, Central Brooklyn DSA Anti-War Working Group, Fort Greene Peace, Jews For Palestinian Right Of Return, Jews Say No!, Jewish Voice For Peace NYC, Labor For Palestine, NY4Palestine, Peace Action New York State, Peace Action of Staten Island, Park Slope Food Coop Members for BDS, Samidoun: Palestinian Prisoner Solidarity Network, Tree Of Life Educational Fund, USA Palestine Mental Health Network, Veterans For Peace NYC Chapter 34, and World Can't Wait.

SHOW LESS

The Right to Boycott – BDS and Your Civil Liberties, [YouTube](#), published 07/02/2019, accessed 05/2021

The event featured speakers from pro-BDS delegitimization organizations including Adalah Justice Project director of strategy and communications Sumaya Awad, Within Our Lifetime (WOL) chair Nerdeen Kiswani, and poet and endorsing member of the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) Remi Kanazi.¹⁰⁰

⁹⁶ Al-Awda, [Join or Start an Al-Awda Chapter or Committee](#), accessed 05/2021

⁹⁷ Al-Awda, [Second convention speakers list](#), (archived), published 2004, accessed 05.2021; PFLP, [PFLP remembers Maha Nassar on the fifth anniversary of her passing](#), published 10/12/13, accessed 05/2021 (archived)

⁹⁸ Al-Awda, [990-2007](#), accessed 05/2021; US department of state, [Country Reports on Terrorism](#), published 04/28/06, accessed 05/2021; National investigation agency of India, [Case No RC-05/2012/NIA/DLI](#), published 2021, accessed 05/2021

⁹⁹ NY Sun, [Jews Are Our Dogs](#), published 08/22/2006, accessed 05/2021; San Francisco weekly, [Disturbing the Peace](#), published 08/09/06 accessed 05/2021; Abbas Hamideh, [Twitter](#), published 05/13/16, accessed 05.2021

¹⁰⁰ Adalah Justice Project, [Twitter](#), published 09/23/2020, accessed 05/2021; Adalah-NY: Campaign for the Boycott of Israel, [10 Years Later: BDS Breaks Through!](#), published 07/07/2014, accessed 05/2021; US Campaign for the Academic and Cultural Boycott of Israel, [Endorsers of the US Campaign for the Academic and Cultural Boycott of Israel](#), accessed 05/2021; Palestine Legal, [CUNY Law Compromises Palestinian Student’s Safety, Caves to Zionist Pressure](#), published 10/01/2020, accessed 05/2021



Brooklyn for Peace, [Twitter](#), published 05/02/2019, accessed 05/2021

Event speaker Kiswani has posted on Facebook advocating Palestinian violent resistance, calling for Israel’s destruction, and defending individuals accused of antisemitism.¹⁰¹ At the event, prior to Hauss’ remarks, Kiswani stated “**We can’t only uplift nonviolent tactics in the movement**, because by doing that we may marginalize the right for Palestinians to defend themselves by any means that they see necessary. BDS is one of those means ... While BDS is a form of resistance, we have to support **all forms of Palestinian resistance** if we say that we support Palestine and Palestinians.”¹⁰²

Hauss is also quoted in a September 14, 2020 article published in The Intercept, “Zoom Censorship of Palestine Seminars Sparks Fight over Academic Freedom.”¹⁰³ The article is about internet service providers refusing to host PFLP hijacker Leila Khaled in a San Francisco State University (SFSU) webinar due to potential violations of US anti-terror laws.¹⁰⁴ According to Hauss, “Any attempt by the government to restrict academic freedom in this manner would undoubtedly violate the First Amendment.”¹⁰⁵

¹⁰¹ Nerdeen Kiswani, [Facebook](#), published 05/08/2021, accessed 05/2021; Nerdeen Kiswani, [Facebook](#), published 02/23/2021, accessed 05/2021; Nerdeen Kiswani, [Facebook](#), published 05/09/2021, accessed 05/2021

¹⁰² The Right to Boycott – BDS and Your Civil Liberties, [YouTube](#), published 07/02/2019, accessed 05/2021 (39:30)

¹⁰³ The Intercept, [ZOOM CENSORSHIP OF PALESTINE SEMINARS SPARKS FIGHT OVER ACADEMIC FREEDOM](#), published 11/14/2020, accessed 05/2021

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

Jamil Dakwar

On September 26, 2018, Dakwar was a panelist at the Brooklyn for Peace event “International Law, Seeking Justice, and the Great March of Return in Gaza.” During his remarks, Dakwar stated, alluding to Jews, “So many people are sort of champions for human rights, but when it comes to real issues, when it comes to Israel, human rights, kind of like, **there’s only to certain people who belong to a particular religion...**who support Israel in the crushing and killing of nearly 150 civilians in Gaza...”¹⁰⁶

The event was moderated by Riham Barghouti, founder of Adalah-NY: Campaign for the Boycott of Israel.¹⁰⁷ Adalah NY is an active supporter of organizations and individuals directly connected to the US-designated terror group, the Popular Front for the Liberation of Palestine (PFLP).¹⁰⁸ For example, Adalah NY collaborated with Addameer during a November 2017 event.¹⁰⁹ Addameer is a PFLP proxy that works to support PFLP terrorists held in Israeli and Palestinian prisons. Furthermore, it was founded by and is currently directed by PFLP members.¹¹⁰

Alexander Shalom

Shalom is the senior supervising attorney and director of Supreme Court Advocacy at ACLU’s New Jersey chapter.¹¹¹ He was a speaker at a February 27, 2019 event titled “Your Right to Boycott,” sponsored by Al-Awda, AMP, Council on American-Islamic Relations (CAIR), Jews for Palestinian Right of Return, JVP, and SOMA for Palestine.¹¹²

Defending the 2002 Palestine Solidarity Movement Conference: On October 10, 2002, the ACLU of Michigan filed a friend of the court brief in defense of the University of Michigan, Ann Arbor student organization Palestine Solidarity Movement (PSM). The brief came in response to a lawsuit filed by students seeking to stop a national PSM conference from being

¹⁰⁶ International Law, Seeking Justice, and the Great March of Return in Gaza, [YouTube](#), published 09/29/2018, accessed 06/2021 (1:08:45)

¹⁰⁷ Ibid.

¹⁰⁸ US State Department, [Foreign Terrorist Organizations](#), accessed 06/21

¹⁰⁹ Adalah NY, [The Criminalization of Home: Organizing to Protect Communities from NYC to Palestine](#), accessed 06/2021

¹¹⁰ Of 9 current board members (with the exception of the treasurer and secretary), at least 6 are PFLP members, including Abdullatif Ghaith, Addameer’s founder and chairman, and Khalida Jarrar, Addameer’s former vice-chairperson. See for example: Al-Watan Voice, [A celebration on the occasion of the release of Comrade Jammal Abu-Jamal](#), published 04/14, accessed 06/21 (Arabic); Raymonda Tawil, [Let’s give them a bouquet of roses](#), published 03/13, accessed 06/2021, pp. 19, 73, 111, 131 (Arabic)

¹¹¹ ACLU New Jersey, [Alexander Shalom](#), accessed 05/2021

¹¹² NJ Revolution Radio, [#NJRR Live Special Event - Your Right to Boycott](#), published 02/28/2019, accessed 05/2021

held at the university, claiming that organizers sought to promote terror and antisemitism.¹¹³ The conference was allowed to proceed, and the ACLU provided legal observers “to ensure that no civil rights were violated.”¹¹⁴ The decision was hailed as a victory in the ACLU’s May 2003 report “Freedom Under Fire: Dissent in Post-9/11 America.”¹¹⁵

The conference featured delegates who chanted “Kill the Jews,” and representatives from Al-Awda were present at the conference, selling T-shirts with the inscription “Intifada! Palestine will be free from the river to the sea,” a slogan also shouted at counter-protestors.¹¹⁶ The conference was attended by Sami Al-Arian.¹¹⁷

Sharing Staff and Board Members with AMP

ACLU of Southern California has shared board and staff members with AMP. AMP is an organization intrinsically linked with IAP, a now-defunct US-based Hamas propaganda organization that was founded by Hamas leader Mousa Abu Marzook.¹¹⁸ It was listed as an unindicted co-conspirator¹¹⁹ in the trial that found the Holy Land Foundation (HLF) guilty for siphoning over \$12 million to Hamas.¹²⁰ Several of Shakeel Sayed’s coworkers and codirectors at AMP are affiliated with IAP.¹²¹

Sayed has tweeted several antisemitic statements, fitting the criteria of the International Holocaust Remembrance Alliance (IHRA) Working Definition of antisemitism, including comparing Israel to the Nazis, and claiming Zionist global power conspiracies.¹²²

¹¹³ ACLU, [ACLU BRIEF IN DORFMAN V. COLEMAN](#), published 2002, accessed 06/2021, page 4; ACLU, [STOPPING STUDENT CONFERENCE WOULD VIOLATE FREE SPEECH RIGHTS, ACLU OF MICHIGAN SAYS](#), published 10/10/2002, accessed 06/2021

¹¹⁴ ACLU, [Freedom Under Fire: Dissent in Post-9/11 America](#), published 05/2003, accessed 06/2021

¹¹⁵ Ibid.

¹¹⁶ Jewish Virtual Library, [Campus Anti-Semitism: The Palestine Solidarity Movement \(2004\)](#), published 2004, accessed 06/2021

¹¹⁷ Ibid.

¹¹⁸ Hamas, [Political Bureau, Mousa Abu Marzook](#), accessed 05/2021 (archived)

¹¹⁹ The Investigative Project, HLF Case // [Memorandum Opinion Order](#), published 01/09, accessed 05/2021; The Investigative Project, HLF Case // [Unindicted Coconspirators](#), accessed 05/2021

¹²⁰ US DOJ, Office of Public Affairs, [Federal Judge Hands Downs Sentences in Holy Land Foundation Case](#), published 05/27/09, accessed 05/2021

¹²¹ U.S. Government Publishing Office, [ISRAEL IMPERILED: THREATS TO THE JEWISH STATE](#), published 04/19/2016, accessed 05/2021

¹²² Ss, [Twitter](#), published 09/03/2018, accessed 05/2021; Ss, [Twitter](#), published 05/18/2019, accessed 05/2021



Ss, [Twitter](#), published 05/18/2019, accessed 05/2021

Moreover, former ACLU community organizer and current AMP employee Taher Herzallah is a member of the “Irvine 11”, a group of 11 students who were arrested and found guilty for a 2010 incident where they repeatedly interrupted former Israeli ambassador to the US Michael Oren during a speech at University of California, Irvine.¹²³ Herzallah was also one of six people arrested for protesting the appointment of David Friedman as US ambassador to Israel at a Senate Foreign Relations Committee hearing in February 2017.¹²⁴

Support For the Holy Land Foundation (HLF): In 2009, the ACLU published the report “Blocking Faith, Freezing Charity: Chilling Muslim Charitable Giving in the ‘War on Terrorism Financing.’”¹²⁵ The report argues against the 2007 ruling which found the HLF guilty of funding Hamas, alleging that the courts did not have enough evidence and the ruling was politically motivated.¹²⁶

While a student in 2000, former ACLU political director Faiz Shakir was an organizer of the Harvard Islamic Society’s Islamic Awareness Week. One of the week’s events was a fundraiser from which a portion of proceeds went to the HLF.¹²⁷

Support for Linda Sarsour: The ACLU has produced several tweets and articles on its website in support of US delegitimization leader Linda Sarsour.¹²⁸ Sarsour is the former executive director of the Arab American Association of New York and the co-founder of the

¹²³ Los Angeles Times, [Students guilty of disrupting speech in ‘Irvine 11’ case](#), published 09/24/2011, accessed 05/2021; OC Weekly, [TAHER HERZALLAH, “IRVINE 11” DEFENDANT, IS UNREPENTANT AT UC SANTA BARBARA](#), published 02/22/2011, accessed 05/2021

¹²⁴ American Muslims for Palestine, [Facebook](#), published 05/13/2020, accessed 05/2021

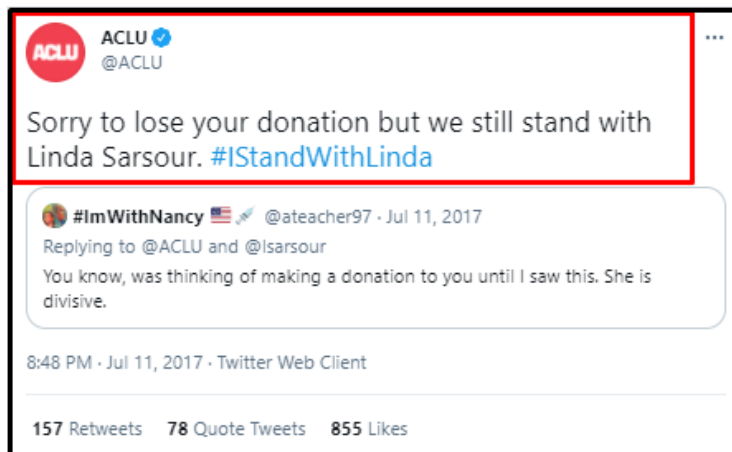
¹²⁵ ACLU, [Blocking Faith, Freezing Charity: Chilling Muslim Charitable Giving in the “War on Terrorism Financing”](#), published 06/2009, accessed 05/2021

¹²⁶ Ibid 61-62

¹²⁷ The Harvard Crimson, [Harvard Islamic Society Kicks Off Annual Awareness Week](#), published 11/08/2000, accessed 05/2021

¹²⁸ ACLU, [Twitter](#), published 07/11/2017, accessed 05/2021; ACLU, [Twitter](#), published 08/23/2016, accessed 05/2021; ACLU, [Twitter](#), published 01/21/2017, accessed 05/2021; ACLU, [Linda Sarsour](#), accessed 05/2021; ACLU, [Muslim, American, & Intersectional: The Activism of Linda Sarsour](#), published 08/22/2016, accessed 05/2021

pro-BDS group MPower Change.¹²⁹ She has praised Palestinian terror including PFLP terrorist Rasmea Odeh and has promoted shariah law in the US.¹³⁰



ACLU, [Twitter](#), published 07/11/2017, accessed 05/2021

Promoting and Representing Dream Defenders: The ACLU has represented Dream Defenders in several cases and has promoted and defended the organization on its websites.¹³¹ Dream Defenders is a Florida-based organization which focuses on minority rights and criminal justice, and has expressed support for Palestinian terror, including the PFLP.¹³²

A resource sheet for civil rights organizations on the ACLU of Ohio’s webpage lists Dream Defenders as a “an uprising of communities in struggle, shifting culture through transformational organizing.”¹³³ An August 10, 2018 ACLU blog posts features an extensive defense of Dream Defenders against a cease and desist letter it received from private prison contractor GEO Group.¹³⁴ On May 11, 2021, the ACLU of Florida announced it was

¹²⁹ Palestine Convention, [Meet Our Speakers](#), accessed 05/2021

¹³⁰ Jewish Voice for Peace, [Linda Sarsour, Chicago JVP Closing Session](#), accessed 05/2021; Linda Sarsour, [Twitter](#), published 04/28/2014, accessed 05/2021; Linda Sarsour, [Twitter](#), published 05/12/15, accessed 05/2021; Linda Sarsour, [Twitter](#), published 10/9/15, accessed 05/2021

¹³¹ ACLU, [ICE Contractor Tries to Scare Activists With Legal Threats, Free Speech Be Damned](#), published 08/10/2018, accessed 05/2021; The Daytona Beach News-Journal, [Federal lawsuit challenging Florida anti-riot bill claims law targets Black protesters](#), published 05/11/2021, accessed 05/2021; ACLU Ohio, [Get Involved](#), accessed 05/2021

¹³² Dream Defenders, [Blacked Out History Rebellion Curriculum Tool Kit](#), accessed 05/2021; Dream Defenders, [Twitter](#), published 08/20/2019, accessed 06/2020; Dream Defenders, [Twitter](#), published 08/19/2019, accessed 06/2020

¹³³ ACLU Ohio, [Get Involved](#), accessed 05/2021

¹³⁴ ACLU, [ICE Contractor Tries to Scare Activists With Legal Threats, Free Speech Be Damned](#), published 08/10/2018, accessed 05/2021

representing Dream Defenders in a lawsuit against a Florida anti-riot bill, which it claims targets black protestors and undermines First Amendment rights.¹³⁵

Financials & Registration

The ACLU at the national level operates two corporate entities registered as 501(c)(4) nonprofits, the ACLU Inc, which has been tax exempt since 1970, and American Civil Liberties Union Foundation Inc, which has been tax exempt since 1967.¹³⁶ According to the ACLU of Southern California, ACLU Inc (referred to as “the ACLU”) focuses on lobbying work, whereas the ACLU Foundation focuses on litigation and communications work.¹³⁷ ACLU members pay membership fees to join ACLU Inc, which are not tax deductible, unlike donations to the ACLU Foundation.¹³⁸ In 2019 ACLU Inc had \$134.6 million in total program expenses and gross receipts of \$341.6 million.¹³⁹ In 2019 ACLU Foundation had \$115.1 million in total program expenses and gross receipts of \$295.7 million.¹⁴⁰

Funding and membership to the ACLU following Trump’s 2016 election both grew exponentially, largely due to opposition against Trump’s administration measures.¹⁴¹ The ACLU’s budget has tripled since Trump’s 2016 election, and it has doubled its number of lawyers on staff.¹⁴² In the year following the election, online donations to the ACLU surged from between \$3-5 million to \$120 million.¹⁴³ ACLU membership also grew from 400,000 to 1.84 million in the 15 months following the 2016 election.¹⁴⁴ Similarly, the ACLU received an influx of donations in response to measures taken by the Trump administration, such as his 2017 travel ban from Muslim countries. For the two days following the executive order, the ACLU raised \$24 million from at least 356,306 individual donors, many of whom were first-time donors to the organization.¹⁴⁵

¹³⁵ The Daytona Beach News-Journal, [Federal lawsuit challenging Florida anti-riot bill claims law targets Black protesters](#), published 05/11/2021, accessed 05/2021

¹³⁶ Pro Publica, [AMERICAN CIVIL LIBERTIES UNION FOUNDATION INC](#), accessed 05/2021;

¹³⁷ ACLU Southern California, [DIFFERENCE BETWEEN ACLU AND ACLU FOUNDATION](#), accessed 05/2021

¹³⁸ Ibid.

¹³⁹ Pro Publica, [AMERICAN CIVIL LIBERTIES UNION INC](#), published 2020, accessed 05/2021

¹⁴⁰ Pro Publica, [AMERICAN CIVIL LIBERTIES UNION FOUNDATION INC](#), published 2020, accessed 05/2021

¹⁴¹ The New York Times, [Once a Bastion of Free Speech, the A.C.L.U. Faces an Identity Crisis](#), published 06/06/2021, accessed 06/2021; The Hill, [ACLU membership grew from 400,000 to 1.84 million after Trump was elected: report](#), published 07/04/2018, accessed 06/2021

¹⁴² The New York Times, [Once a Bastion of Free Speech, the A.C.L.U. Faces an Identity Crisis](#), published 06/06/2021, accessed 06/2021

¹⁴³ The Hill, [ACLU membership grew from 400,000 to 1.84 million after Trump was elected: report](#), published 07/04/2018, accessed 06/2021

¹⁴⁴ Ibid.

¹⁴⁵ The New York Times, [Donations to A.C.L.U. and Other Organizations Surge After Trump’s Order](#), published 01/30/2017, accessed 06/2021

Top donors to the ACLU and ACLU Foundation are predominantly private family foundations.¹⁴⁶ Though the ACLU claims it does not receive any government funding, from April-June 2020 ACLU branches across the country received loans under the US federal government's Coronavirus relief Paycheck Protection program.¹⁴⁷ These loans averaged from \$100,000 to \$2 million.¹⁴⁸

The ACLU receives significant funding from billionaire philanthropist George Soros and his Open Society Foundations.¹⁴⁹ In 2019 Open Society Foundations awarded \$575,000 to the ACLU of Maryland, and in 2014 granted \$50 million to the ACLU to fight mass incarceration.¹⁵⁰ On June 19, 2018, billionaire entrepreneur Elon Musk tweeted, "I am one of the top donors to @ACLU."¹⁵¹

Conclusion

The ACLU has consistently claimed that its interest in challenging state and federal anti-BDS laws, and defending delegitimization actors and causes in the US court system is to preserve First Amendment rights to free speech and the right to boycott.¹⁵² Nevertheless, its frequent collaboration and staff affiliation with delegitimization organizations indicates a deeper interest in championing anti-Israel causes. Indication of partisanship and anti-Israel bias at the ACLU is further exemplified by its absence of casework for pro-Israel actors and dearth of staff affiliated with pro-Israel causes or organizations. Though the ACLU consistently claims that its interest in defending delegitimization actors and litigating against anti-BDS laws is consistent with its mission to defend the Constitution, its staffing, partnerships, and casework indicate partiality toward anti-Israel delegitimization causes.

¹⁴⁶ Grantmakers.io, [Grants Search](#), accessed 05/2021

¹⁴⁷ ACLU, [ABOUT THE ACLU](#), accessed 05/2021; USAspending.gov, [Spending By Transaction](#), accessed 05/2021

¹⁴⁸ USAspending.gov, [Spending By Transaction](#), accessed 05/2021

¹⁴⁹ Open Society Foundations, [Awarded Grants](#), accessed 05/2021; ACLU, [ACLU AWARDED \\$50 MILLION BY OPEN SOCIETY FOUNDATIONS TO END MASS INCARCERATION](#), published 11/07/2014, accessed 05/2021, Open Society Foundations, [Open Society Foundations Announce \\$220 Million for Building Power in Black Communities](#), published 07/13/2020, accessed 05/2021

¹⁵⁰ Open Society Foundations, [Awarded Grants](#), accessed 05/2021; ACLU, [ACLU AWARDED \\$50 MILLION BY OPEN SOCIETY FOUNDATIONS TO END MASS INCARCERATION](#), published 11/07/2014, accessed 05/2021, Open Society Foundations, [Open Society Foundations Announce \\$220 Million for Building Power in Black Communities](#), published 07/13/2020, accessed 05/2021

¹⁵¹ Elon Musk, [Twitter](#), published 06/19/2018, accessed 05/2021

¹⁵² ACLU, [Instead of Ending the Shutdown, Senators Plan to Encourage Punishment of Israel Boycotts](#), published 01/07/2019, accessed 05/2021; ACLU, [In Congress, a Threat to Americans' First Amendment Right to Boycott](#), published 01/28/2019, accessed 05/2021; ACLU, [With the Right to Boycott Under Attack, Some Members of Congress Are Pushing Back](#), published 07/23/2019, accessed 05/2021

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