

Statement on ASA Litigation

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Washington, D.C., February 5: When the American Studies Association adopted an academic boycott of Israel, several members of the ASA filed a lawsuit against that form of economic warfare against Israel, which discriminates against Israeli academics and violates fundamental principles of academic freedom. We represent those brave members.

Now, three years after the filing of this lawsuit, and upon review of the claims, the federal district court in the District of Columbia found only one reason to put off our clients' claims - not because there was no substantive basis for the lawsuit, not because the current leadership of the ASA was justified for dragging its association into a bigoted effort to sabotage Israeli academics and institutions, but solely because it held that the amount in controversy requirement for federal court, \$75,000, was not yet met.

The court recognized the value of our substantive claims, noting the case can be filed in state court: "Plaintiffs have raised allegations and presented evidence indicating that they may have meritorious claims, but they must assert those claims before the proper tribunal." Order at 19.

We fully intend to go forward with this lawsuit, whether in federal court, should we choose to appeal the amount in controversy dismissal, or in state court, where there is no amount in controversy requirement.

In fact, since the initial filing, far more grievous conduct by the defendants has been uncovered, including a secret plot to overtake the authority of the ASA for the sole purpose of pursuing this hateful academic boycott, and to divert ASA funds to support their nefarious behavior. This plot was uncovered by our review of the defendants' own documents, which we obtained in discovery.

Many of the defendants' uncovered secret documents are quoted in a subsequent amended complaint which alleges, as the court describes: "that Defendants coopted an apolitical educational organization and, against its members' wishes, turned that organization into a mouthpiece of the Israel boycott movement." Order at 1.

The amended complaint reveals the defendants' secret scheme to pack the national council with directors whose primary intention was to pass the academic boycott of Israel. It also describes how defendants manipulated the vote on the boycott, by freezing the rolls of the ASA membership to minimize the number of opponents able to vote, and how the defendants silenced dissenting voices - to the point where it refused to share letters opposing the boycott, including a letter from Association of American University Professors, among others.

Later, evidence of the financial damage to the ASA became apparent. Since the boycott was adopted, \$294,000 has been withdrawn from the ASA's trust fund. This information was gleaned

from only two years' worth of materials produced by defendants. Previously, there had been no withdrawals from the capital of the ASA's trust fund. Defendants' own documents show that these withdrawals were made to pay expenses related to the boycott. The ASA's most recent tax return reflects an association deep in the red.

Our clients are four esteemed professors of American Studies. They include lifetime honorary members of the ASA, winners of the ASA's Turpie Award, and a former editor of the ASA's Encyclopedia of American Studies. They brought this case because they believe that the ASA's academic boycott of Israel violates cherished principles of academic freedom. They opposed the academic boycott on the same grounds as the American Association of University Professors, the presidents of dozens of universities, numerous former presidents of the ASA, and many, many others. They also believe that the individual defendants violated democratic principles and the ASA Constitution and Bylaws in the adoption of the academic boycott.

We will present these claims and look forward to a decision on the merits.

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