



August 16, 2019

UNC System Office
910 Raleigh Rd.
P.O. Box 2688
Chapel Hill, NC 27514

RE: Open Records Law Request for Records Regarding the University of North Carolina-Chapel Hill's Conflict over Gaza: People, Politics, and Possibilities Conference Held in March 2019, the Duke-UNC Consortium for Middle East Studies Boycott, Divest and Sanctions (BDS), or Students for Justice in Palestine (SJP)

Dear Sir or Ma'am:

This letter is a request ("Request") in pursuant to North Carolina Public Records Law, G.S. §132-1. The Request is made by the American Center for Law and Justice ("ACLJ").¹

To summarize, this Request seeks all records from any relevant custodian, including but not limited to the North Carolina Board of Regents and the University of North Carolina-Chapel Hill, that address The Conflict over Gaza conference, held at the University of North Carolina from March 22 to 24, 2019; the use of taxpayer funding to promote bias and racism which occurred at the conference, and the Boycott, Divest and Sanctions (BDS) movement on North Carolina campuses.

BACKGROUND

The University of North Carolina Chapel Hill and Duke University made international headlines over a taxpayer funded conference held at the University of North Carolina Chapel Hill campus from March 22 to 24, 2019.

The conference in question, titled "Conflict over Gaza: People, Politics, and Possibilities," was co-sponsored by the Duke-UNC Consortium for Middle East

¹ The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

Studies, which reportedly “applied for and received a \$235,000 grant through the Department of Education in 2018.”

Several of the events held during the conference were organized by Students for Justice in Palestine (SJP), a group that has been at the center of anti-Israel controversy on many U.S. campuses. SJP branches have been known to distribute anti-Semitic propaganda and has been cited by multiple watchdog groups for fostering unsafe environments for Jewish students.²

As reflected in multiple media reports,

The conference featured a performance by the Arab Israeli rapper Tamer Nafar. Edited clips of Nafar singing his joke song “Mama, I Fell in Love with a Jew” at the conference were posted on social media. . . . At the start of the performance at UNC, Nafar called the single his “anti-Semitic song.”³

According to *The Daily Tarheel*, “Following the release of the video, many conference co-sponsors, including the School of Law and the School of Government, requested that the Center for Middle East and Islamic Studies refund them and remove them from the list of conference co-sponsors.”⁴

The content of the Conference generated harsh criticism outside the university, as well. For example,

The Louis D. Brandeis Center, which monitors anti-Jewish and anti-Israel activity on campus, said in a statement that the conference “minimized Hamas’s role in perpetuating the crisis” in Gaza.

The statement added: “Furthermore, panels and programs denied Israel’s right to exist, brandishing it a ‘settler-colonialist’ entity while negating the enduring legacy of Jewish life in the region.”⁵

Through media reports, we know that “[t]he Department of Education will investigate the potential bias of a taxpayer-funded college conference which the University of North Carolina-Chapel Hill hosted in partnership with Duke University earlier this year, after allegations of anti-Semitism

² Adam Kredo, *DOE Investigating Anti-Israel Events at UNC, Duke*, THE WASHINGTON FREE BEACON (June 18, 2018),

³ JTA & TOI Staff, *North Carolina Universities to be Probed Over ‘Anti-Israel’ Gaza Conference*, TIMES OF ISRAEL (June 20, 2019), <https://www.timesofisrael.com/north-carolina-universities-to-be-probed-over-anti-israel-gaza-conference/>.

⁴ Cynthia Dong, *Several Co-sponsors of the ‘Conflict over Gaza’ Conference Want Refunds*, THE DAILY TARHEEL (Apr. 21, 2019), <https://www.dailytarheel.com/article/2019/04/gaza-conference-refunds-0421>.

⁵ JTA & TOI Staff, *North Carolina Universities to be Probed Over ‘Anti-Israel’ Gaza Conference*, TIMES OF ISRAEL (June 20, 2019), <https://www.timesofisrael.com/north-carolina-universities-to-be-probed-over-anti-israel-gaza-conference/>.

surfaced at the event, according to a letter obtained Monday by Fox News.”⁶ Further, “Rep. George Holding, a North Carolina Republican, told Fox News in a statement that he had sent a letter to Education Secretary Betsy DeVos in April about the March conference entitled ‘Conflict Over Gaza: People, Politics, and Possibilities.’ Holding claimed the conference featured “severe anti-Israeli bias and explicit anti-Semitism.”⁷

And, “[i]n his letter to DeVos, the congressman said about the conference, ‘Reportedly, speakers and panelists distorted facts and misrepresented the complex situation in Gaza.’ He added: ‘Examination of the official program reveals that several of the conference’s speakers are actively involved in the Boycott, Divestment, and Sanctions (BDS) movement.’”⁸

Apparently, before the event even took place, the university was warned of its one-sided content and purpose – but allowed the event to proceed: “Prior to the event, local religious and community organizations, academics and citizens wrote the universities expressing concern that the conference lacked balance and appeared designed to promote a radical agenda,” he wrote. “Apparently, these concerns were ignored, with no mainstream speakers or panelists included in the three-day conference.”⁹

We know that U.S. Secretary of Education Betsy DeVos has stated that her agency is investigating the university’s compliance with grant terms. However, whether the State of North Carolina is taking meaningful measures to ensure this type of one-sided event is not repeated at taxpayer expense, that taxpayer funds are not used to promote anti-Semitism, and/or that those responsible for this troubling use of taxpayer funds are reprimanded appropriately, remains unknown.

REQUESTS

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is March 22, 2018, through the date of receipt of this Request.

Pursuant to North Carolina Public Records Law, G.S. §132-1, the ACLJ hereby requests that you produce the following records:

1. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any ED official or employee that concern or in any way discuss Students for Justice in Palestine (SJP) or any person acting in association with or on behalf of SJP.
2. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee or agent that concern or in any way discuss

⁶ Frank Miles, *Education Department to Probe UNC-Duke Conference on Gaza After Allegations of Anti-Semitism Emerge*, FOXNEWS (June 17, 2019), <https://www.foxnews.com/politics/education-department-unc-duke-gaza-conference-anti-semitism-allegations>.

⁷ *Id.*

⁸ *Id.*

⁹ JulieGrace Brufke, *GOP Lawmaker Calls for Investigation Into Alleged 'Anti-Israeli Bias' at Duke-UNC Conference*, THE HILL (April 17, 2019), <https://thehill.com/homenews/house/439434-gop-lawmaker-calls-for-investigation-into-alleged-anti-israeli-bias-at-duke>.

the Boycott, Divest and Sanctions (BDS) movement, or, its speakers, activists, events, curricula, papers, or messaging.

3. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee that reference, regard, concern or in any way discuss The Conflict over Gaza conference, held at the University of North Carolina from March 22 to 24, 2019.

4. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee that reference, regard, concern or in any way discuss performance by the Arab Israeli rapper Tamer Nafar at The Conflict over Gaza conference, held at the University of North Carolina from March 22 to 24, 2019.

5. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee that reference, regard, concern or in any way discuss Duke-UNC Consortium for Middle East Studies's stance, position, views or activities or events that address Israel, Boycott, Divest and Sanctions (BDS) or Jewish people in any way.

6. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee that reference, regard, concern or in any way discuss efforts to ensure that North Carolina universities or institutions of education do not host or promote racist conferences or events.

7. All records prepared, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any government or university employee that reference, regard, concern or in any way discuss the Boycott, Divest and Sanctions (BDS) movement on or in relation to North Carolina college campuses.

CONCLUSION

If this Request is denied in whole or in part, ACLJ requests that, within a reasonable time as required by law, you support all denials by reference to specific statutory exemptions and provide any statutorily or judicially required explanatory information.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$500. However, we request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of North Carolina policy concerning race and anti-Semitism. Our request is related to news gathering and sharing purposes. This information being sought will be provided to the public and is not being sought for commercial purposes.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

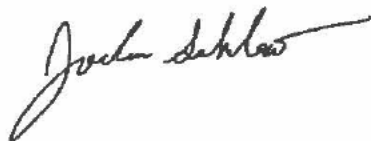
Jordan Sekulow, Executive Director
Abigail Southerland, Senior Litigation Counsel
Benjamin P. Sisney, Senior Litigation Counsel
American Center for Law and Justice

[REDACTED]

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I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

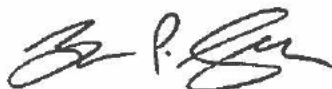
Respectfully submitted,



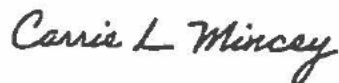
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[REDACTED]