

The Honorable Carol Murphy

<input type="checkbox"/>	EXPEDITE
<input type="checkbox"/>	No hearing set
<input checked="" type="checkbox"/>	Hearing is set
Date:	<u>January 22, 2016</u>
Time:	<u>9 a.m.</u>
Judge/Calendar:	<u>Hon. Carol Murphy</u>

SUPERIOR COURT OF THE STATE OF WASHINGTON
THURSTON COUNTY

KENT L. and LINDA DAVIS, and SUSAN)
MAYER, derivatively on behalf of OLYMPIA)
FOOD COOPERATIVE,)

Case No. 11-2-01925-7

Plaintiffs,)

v.)

DECLARATION OF MARIA)
LAHOOD IN SUPPORT OF)
DEFENDANTS' OPPOSITION)
TO PLAINTIFFS' SECOND)
MOTION TO COMPEL)

GRACE COX; ROCHELLE GAUSE; ERIN)
GENIA; T.J. JOHNSON; JAYNE KASZYNSKI;))
JACKIE KRZYZEK; JESSICA LAING; RON)
LAVIGNE; HARRY LEVINE; ERIC MAPES;)
JOHN NASON; JOHN REGAN; ROB)
RICHARDS; JULIA SOKOLOFF; and)
JOELLEN REINECK WILHELM,)

Defendants.)

I, Maria LaHood, am over the age of 18, am competent to testify, and have personal
knowledge of all the facts stated herein. I declare as follows:

1 1. I am an attorney and Deputy Legal Director at the Center for Constitutional
2 Rights (CCR) in New York, New York, and I am one of the attorneys representing
3 Defendants in the above-captioned matter.

4 2. CCR is a non-profit legal and educational organization that is dedicated to
5 advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal
6 Declaration of Human Rights.

7 3. At CCR I have represented clients, in addition to defendants in this case,
8 who have suffered retaliation or other negative repercussions for their advocacy on behalf
9 of Palestinian rights, and/or for speech critical of the Israeli government.

10 4. One example is Professor Steve Salaita. I was one of the attorneys who
11 represented Professor Salaita in a case against the University of Illinois at Urbana-
12 Champaign (UIUC) for terminating him from his tenured position because of personal
13 tweets that were critical of Israel. Professor Salaita had accepted a tenured position at
14 UIUC, resigned a tenured position at Virginia Tech, and was preparing to move to Illinois
15 when two weeks before his start date of August 16, 2014, he was notified of his
16 termination. Professor Salaita had posted tweets critical of Israel during the war on Gaza
17 that summer, and University officials later acknowledged that the decision was made
18 because of his tweets, which they deemed “uncivil.” Documents subsequently released by
19 UIUC revealed that university officials had received pressure from donors and
20 organizations promoting Israel. Professor Salaita and his family were left without income
21 or a home.

22 5. I have also represented students at the City University of New York
23 (CUNY), Brooklyn College, who were subject to increased scrutiny and an investigation

1 stemming from their advocacy. When Brooklyn College-Students for Justice in Palestine
2 (BC-SJP) invited two speakers for a campus event on boycotts, divestment and sanctions
3 (BDS) with regard to Israel, there was an enormous amount of pressure on the university to
4 cancel it, including by City Council members, New York state officials, and members of
5 Congress. Although the event went forward, Israel advocates complained afterwards that
6 four students were removed from the event because they were Jewish, and threatened to
7 sue the university under Title VI of the Civil Rights Act of 1964, a common tactic used to
8 pressure universities to crack down on students advocating for Palestinian rights. The
9 same day, the CUNY Chancellor launched an investigation to be headed by CUNY's
10 General Counsel. I was one of the attorneys who represented the BC-SJP students in the
11 investigation, which after weeks of interviews with over forty witnesses, found no
12 evidence of religious discrimination.

13 6. These are not isolated cases, but are just two of numerous incidents in
14 which advocates for Palestinian rights have been targeted, smeared, threatened,
15 investigated, disciplined, blacklisted, sued, and even arrested—often following pressure
16 from powerful, well-funded outside groups.

17 7. In September 2015, CCR and Palestine Legal, an organization founded in
18 2012 to defend Palestinian rights advocates in the United States against efforts to threaten,
19 harass and legally bully them into silence and inaction, issued a report entitled “The
20 Palestine Exception to Free Speech: A Movement Under Attack in the US.” The report
21 documents the widespread and growing efforts in the United States to punish and silence
22 protected advocacy on behalf of Palestinian rights and speech that is critical of Israel,
23 including BDS advocacy. The report notes that Palestine Legal responded to nearly 300

1 incidents of such suppression between January 2014 and June 2015. The report is
2 available at <http://ccrjustice.org/the-palestine-exception>.

3 8. StandWithUs is one of the groups identified in the report as engaging in the
4 suppression of speech critical of the Israeli government. For example, StandWithUs
5 campaigned against a professor at the University of California, Santa Barbara for class
6 materials critical of Israeli state policies, and described it as “a precedent setting case for
7 other universities.” See Press Release, Committee to Defend Academic Freedom at
8 UCSB, UCSB Investigation a Test Case For Pro-Israel Campaigns (June 16, 2009),
9 available at [https://sb4af.wordpress.com/2009/06/16/ucsb-investigation-a-test-case-for-](https://sb4af.wordpress.com/2009/06/16/ucsb-investigation-a-test-case-for-pro-israel-campaigns/)
10 [pro-israel-campaigns/](https://sb4af.wordpress.com/2009/06/16/ucsb-investigation-a-test-case-for-pro-israel-campaigns/); see also Brad A. Greenberg, *StandWithUs gets signatures for UCSB*
11 *prof investigation*, JEWISH JOURNAL, May 1, 2009,
12 [http://www.jewishjournal.com/thegodblog/item/standwithus_gets_signatures_for_ucsb_pr](http://www.jewishjournal.com/thegodblog/item/standwithus_gets_signatures_for_ucsb_prof_investigation_20090501/)
13 [of_investigation_20090501/](http://www.jewishjournal.com/thegodblog/item/standwithus_gets_signatures_for_ucsb_prof_investigation_20090501/), reposted at STANDWITHUS,
14 <https://www.standwithus.com/news/article.asp?id=1020>.

15 9. StandWithUs also reportedly maintains dossiers on people who speak out
16 for Palestinian human rights. See Alex Kane, *Israel Lobby Group Compiles Secret*
17 *Dossiers on Pro-Palestine Speakers*, MONDOWEISS, February 25, 2014, available at
18 <http://mondoweiss.net/2014/02/compiles-palestinian-speakers>.

19 10. StandWithUs has also been involved in this case regarding the Olympia
20 Food Co-op’s decision to boycott Israeli goods. A “Weekly Status Report” of
21 StandWithUs Northwest from six months before this lawsuit was filed revealed that the
22 Israeli Consul General to the Pacific Northwest, based in San Francisco, traveled to
23 Olympia, Washington, to meet with two StandWithUs co-chairs, an attorney representing

1 the plaintiffs, as well as some “Olympia activists.” See Ali Abunimah, *Uncovered:*
2 *Israel’s Role in Planned US Lawsuit to Fight BDS*, ELECTRONIC INTIFADA, September 6,
3 2011, [https://electronicintifada.net/content/uncovered-israels-role-planned-us-lawsuit-](https://electronicintifada.net/content/uncovered-israels-role-planned-us-lawsuit-fight-bds/10350)
4 [fight-bds/10350](https://electronicintifada.net/content/uncovered-israels-role-planned-us-lawsuit-fight-bds/10350).

5 11. Before this lawsuit was filed, four of the original five plaintiffs appeared in
6 a StandWithUs Northwest anti-BDS video published on YouTube entitled “Why BDS
7 Scars Don’t Heal: A StandWithUs Production,” available at
8 https://www.youtube.com/watch?v=S6vnPTr_iCw.

9 12. StandWithUs posted on-line that “StandWithUs filed the lawsuit against the
10 Olympia Food Co-op” and that the “lawsuit was a byproduct of the partnership between
11 StandWithUs and the Israeli Ministry of Foreign Affairs, spearheaded by Israeli Deputy
12 Foreign Minister Danny Ayalon....” See Exhibit A attached hereto.

13 13. Shortly after this lawsuit was filed, Danny Ayalon, then Israel’s Deputy
14 Foreign Minister, was asked if the Israeli Ministry of Foreign Affairs was involved in the
15 lawsuit, and he responded: “It is very important to make use of every means at our
16 disposal, mainly legal means. . . . And it’s true, we are using this organization,
17 StandWithUs, to amplify our power.” See, e.g., Phan Nguyen, *Who’s Who Behind the*
18 *Olympia Food Co-op Lawsuit*, MONDOWEISS, February 22, 2012, available at
19 <http://mondoweiss.net/2012/02/whos-who-behind-the-olympia-food-co-op-lawsuit-2/2>.

20 14. Last year, StandWithUs boasted in a press release that it had posted the
21 bond in this case so that Plaintiffs could challenge the lower court decisions. See Press
22 Release, StandWithUs, Breaking News!! BDS Defeat at Washington Supreme Court, May
23 28, 2015, available at <http://www.standwithus.com/news/article.asp?id=3981>.

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DECLARATION OF SERVICE

On January 20th, 2016, I caused to be served a true and correct copy of the foregoing document upon counsel of record, at the address stated below, via the method of service indicated:

Robert M. Sulkin	<input type="checkbox"/>	Via Messenger
Avi J. Lipman	<input type="checkbox"/>	Via U.S. Mail
McNaul Ebel Nawrot & Helgren PLLC	<input type="checkbox"/>	Via Overnight Delivery
600 University Street, Suite 2700	<input type="checkbox"/>	Via Facsimile
Seattle, WA 98101-3143	<input checked="" type="checkbox"/>	Via E-mail

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 20th day of January, 2016, at Seattle, Washington.

s/ Brooke E. Howlett
Brooke E. Howlett, WSBA #47899

EXHIBIT A

StandWithUs
Supporting Israel Around The World

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Olympia Co-Op Boycott

In 2011, StandWithUs filed a lawsuit against the Olympia Food Co-op in Olympia, Washington, to nullify its boycott of Israeli-made products. The lawsuit was the byproduct of the partnership between StandWithUs and the Israeli Ministry of Foreign Affairs, spearheaded by Israeli Deputy Foreign Minister Danny Ayalon, and brought against the Olympia Food Co-op and its board for violating their own policies. In early 2012, a Washington State judge ruled against the lawsuit, claiming that it stifled the co-op's free speech, and fined the plaintiffs \$160,000 for the cost of legal fees.

Read more about this issue

http://www.standwithus.com/app/newsview_n.asp?ID=2000

<http://forward.com/articles/146821/standwithus-draws-line-on-israel/?p=all>

<http://mondoweiss.net/2012/02/whos-who-behind-the-olympia-food-co-op-lawsuit-2.html>

