

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Declaration of Joel Swanson
(Witness D)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

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v.

UNITED STATES DEPARTMENT OF JUSTICE et al.,

Defendants.

Case No. 1:25-cv-02429

**DECLARATION OF
JOEL SWANSON IN
SUPPORT OF
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

I, Joel Swanson, declare as follows:

1. I am Assistant Professor of Jewish Studies in the Religion Department of Sarah Lawrence College, a private liberal arts college in Yonkers, New York. I joined the faculty of Sarah Lawrence in September 2024. Previously I was a lecturer at The University of Illinois, Chicago, where I taught Jewish history and continental philosophy or religions.

2. I earned both a doctoral and masters degree from The University of Chicago, and a bachelors degree from Swarthmore College.

3. I am a member of American Association of University Professors and American Federation of Teachers.

4. My scholarship focuses on modern Jewish intellectual history, drawing on both philosophical and literary sources. I am particularly interested in questions of trauma and Jewish collective memory; racialization, gender identity, and the Jewish body; tensions between religious, ethnic, and national understandings of Jewish identity; and how the history of the

Jewish people complicates and challenges the structures of philosophical universalism and the modern nation-state.

5. As an active member of the Association for Jewish Studies, I have published articles on topics as diverse as Jewish contributions to French deconstruction and psychoanalytic debates; competing Zionist and diasporist politics of memory; German Jewish philosophy; and Yiddish poetry. In addition to my scholarship, I am a widely-published commentator on Jewish political issues in publications such as *Haaretz*, *The Times of Israel*, *The Jerusalem Post*, the *Jewish Telegraphic Agency*, and *The Forward*. I also have served as a researcher for the Leo Baeck Institute in Jerusalem and helped develop resources for a national curriculum on antisemitism education for the Anti-Defamation League.

6. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

My Scholarship and Teaching at Sarah Lawrence & Current Events

7. I am the sole Jewish Studies faculty at Sarah Lawrence. This academic year, I am teaching a lecture on Jewish history from ancient to medieval to modern times, as well as a seminar entitled, The Holocaust in Cultural Memory. These courses cover topics such as what it means to be a modern Jew and how debates about Holocaust remembrance play a role politically in the United States and Europe.

8. My courses attract students who are interested in studying the Jewish people, the modern state of Israel, and the shaping of contemporary Jewish identity. This field of study is necessarily connected to contemporary understandings of antisemitism as well as to contemporary debates about Israel and Palestine.

9. As a scholar, I have engaged with a broad range of political perspectives on Israel and Palestine and with people who disagree widely on the subject. I believe that, as a scholar, it is important to uphold academic freedom apart from one's substantive views on the Israel/Palestine debate. The point of academic freedom is to support open debate and discourse. As a teacher, I strive to create a classroom environment where all perspectives on the subject of Israel and Palestine are welcome and contribute to academic discourse. I am proud that my student evaluations so far reflect my success in this effort, showing that students with views sympathetic to Israel and students with views critical of Israel both feel valued and heard. While I have my own views on the matter, I do not bring them into the classroom, and my students generally do not identify me as associated with one side of the debate or the other.

10. I am aware that the federal government has taken a series of actions targeting Columbia over the last month. In particular, I am aware that in early March, several federal agencies announced that they would review federal funding to Columbia and then cancelled \$400 million in grants to Columbia on March 7, 2025. It's my understanding that the federal government presented the \$400 million in funding cuts as an initial round of action, with the prospect of additional cancellations at Columbia and at other schools. I am also aware that on March 13, 2025, officials from several federal agencies sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal funding. I am aware that Columbia adopted numerous of these policy demands on March 21, 2025.

11. I am also aware that on March 10, 2025, the U.S. Department of Education sent letters to 60 universities and colleges, including Columbia University and Sarah Lawrence

College, warning the schools of potential enforcement actions if they did not fulfill their obligations under Title VI.

12. Given the proximity of Sarah Lawrence College to Columbia University, many of my students spend time on Columbia's campus to connect with students or participate in activities there. Some of my students have joined campus protests at Columbia relating to the war in Gaza. All of my students are generally aware of the actions that the federal government has taken against Columbia over the last month or so.

Chilling Effects on Students

13. Over the last few weeks since the federal government began taking actions against Columbia, I have noticed a dramatic increase in fear and a chilling effect among my students, who have a range of political, ideological, and religious perspectives. Students have told me that they are afraid to express any opinion one way or another on the subject of Israel and Palestine or on the existence of antisemitism on campus because doing so could draw negative press attention and put Sarah Lawrence in the crosshairs like Columbia. There is a sense that our institution could be next, and it is better not to say anything that could be taken the wrong way.

14. Highly concerning to me is that some students are feeling chilled from talking about antisemitism at all, even to express concerns about it. A student said to me recently that they wanted to be able to talk about antisemitism, but they feared that if they did, those statements could put Sarah Lawrence under the eye of the federal government, and that could result in adverse action against the institution and its students. This student told me they thought it was better to just shut up. My pro-Israel students are some of the ones telling me they are most upset about what is happening at Columbia, because it keeps them from talking about real issues of antisemitism for fear that their concerns will be used to hurt the college and their classmates.

In reality, the federal government's crackdown on Columbia is actually silencing speech about antisemitism.

15. In addition, many students are chilled from voicing their opinions on the subject of Israel and Palestine in the classroom. Some students have expressly told me, one on one, that they are holding back from speaking in class. They say it is "too stressful" to have to watch their words so closely – regardless of their viewpoint. They would rather speak up in class when the discussion has moved on to other topics. In the last couple of weeks, my course on modern Jewish history covered the topic of Zionism. Two students told me they skipped those classes and would resume attendance when we moved on to Russian Jewish history because it was less of a minefield.

16. Some students have told me that, based on what their friends at Columbia have experienced, they fear that someone will attend the class who is not enrolled, record the discussion, and make it public in a way that draws negative press and gets everyone in trouble. They are worried that such intrusions could happen in our classroom. In particular over the past week, there has been a real panic among students that the federal government might require the school to disclose information about students, including what they wrote in papers for classes. Some of my students are particularly concerned about putting their foreign classmates at risk.

17. No matter where my students' sympathies lie most heavily in the debate about Israel and Palestine, they say that the people in the federal government who claim to be defending Jewish students against antisemitism are not making their lives better; they are making them harder.

Chilling Effects on My Scholarship and Teaching

18. I myself am experiencing a chilling effect as well. While my own scholarship does not deal directly with Israel and Palestine, it does engage with the topic of Zionism. As a scholar, I feel that I need to watch how I engage with this topic extremely carefully. I always want to present my students with reading materials that demonstrate multiple perspectives. My students have a range of different opinions on that issue. But now, I feel that I could get in trouble and get my institution in trouble if I don't present the material in a way that gets the balance just right from the federal government's perspective. It troubles me to recognize that is affecting how I now present the material and the environment I create for open discourse.

19. For example, when teaching about the topic of Zionism, I have had to change my approach. My approach to teaching is to create an outline of discussion points and then guide an open discussion to evolve in a natural way. On the topic of Zionism, I now feel like I have to write down everything I am going to say and not say anything extemporaneously. I don't feel like I can create an open, flowing discourse on Zionism anymore, like I can with other subjects.

20. In addition, the chilling effect of the Trump administration's crackdown on Columbia University is affecting my choices of what texts I assign my students on my syllabi. When I prepared the syllabus for my course on The Holocaust in Cultural Memory at the beginning of this semester, I considered including post-colonial perspectives on Israel. I held off on including them at the time but remained open to adding them to the syllabus. I often revise my syllabi over the course of the semester as I learn what students are interested in and where the discussions are going. I now fear that I cannot add the post-colonial critique of Israel, even if students are interested in debating it, without getting in trouble and getting my institution in trouble.

21. The chilling effect that I am experiencing in light of what's happening to Columbia over the last few weeks is preventing me from being the independent scholar that I want to be. I now feel that any time I say something on the topic of Israel or Zionism, I do not represent the views of Joel Swanson, the Jewish history scholar. Instead, I represent Sarah Lawrence under the scrutiny of the federal government, and I am responsible for the fate of this institution, my colleagues, and my students. That violates the principle of academic freedom and the commitment to independent thought that I am supposed to bring as a scholar.

22. As a scholar who is committed to academic freedom and who has endeavored to create an inclusive and open environment for my students to learn about Jewish history, including the ways it connects to contemporary debates, I fear that the federal government's actions only serve to destroy academic freedom and independent inquiry, rather than improve conditions for Jewish students on college campuses.

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

Dated: 4/1/2025

Signed: Joel Swanson

Joel Swanson

Assistant Professor of Jewish Studies
Sarah Lawrence College