

CRIMINALIZING DISSENT

Historical & Contemporary Repression of U.S. Resistance Movements

NYU Review of Law and Social Change 2023 Colloquium

Join organizers, legal practitioners, and activist scholars to unpack the ways in which the state and other institutions are suppressing radical justice movements, this repression's impacts on our own communities and communities across the globe, and the ways in which we can resist efforts to stifle dissent.

MARCH 7 & 8, 2023

4:30 - 8:00 PM ON ZOOM

MARCH 7

Panel 1: What is the Criminalization of Dissent? |

4:30 - 6:00 PM EST

Discuss the theoretical concept and history of criminalizing dissent and the ways in which U.S. law and culture represses resistance. This panel will examine historical examples of suppression of activism related to U.S. foreign and domestic policy, international liberation movements, and community organizing.

Panel 2: Stifling Campus Activism | 6:30 - 8:00 PM

EST

Discuss the ways in which higher education stifles and monitors student activism. This panel will discuss the ways in which students and others in academia can remain committed to social causes and how the legal profession can evolve to more directly serve to advance justice.

MARCH 8

Panel 3: Criminalizing Justice Movements in the

U.S. | 4:30 - 6:00 PM EST

Discuss the recent history of criminalization and the role of police in suppressing, terrorizing, and fracturing racial and climate justice movements. This panel will discuss police and legislative responses to the Ferguson Uprising, protests in the wake of police murders of Mike Brown, Eric Garner, Breonna Taylor, and George Floyd, the Standing Rock and Line 3 protests, and the ongoing #StopCopCity actions.

Panel 4: Resisting and Surviving | 4:30 - 6:00 PM

EST

We will discuss how criminalization of dissent impacts the lives of organizers in the wake of a justice uprising, how it impacts organizers working under the threat of criminalization, and what resources exist to support those who have been targeted because of their justice work. We will also hear from lawyers about legal avenues and litigation tactics to resist these attacks.

PANEL 1: WHAT IS THE CRIMINALIZATION OF DISSENT?

Nadia Ben Youssef (she/her) (moderator), is the granddaughter of artists, refugees, and revolutionaries. Her ancestors have taught her to imagine a different world, to root the future in our past, and to trust that we are everything we need. Nadia is a storyteller who believes in the power of aesthetic force to awaken, disrupt, and inspire transformation. A human rights lawyer by training, Nadia currently serves as the Advocacy Director at the Center for Constitutional Rights, a radical legal and advocacy organization working with social movements to dismantle racism, cisheteropatriarchy, economic oppression and abusive state practices. Her work often centers at the intersection of art and advocacy, and she curates exhibits and artistic programming that document key human rights concerns, celebrate social movements, and allow creatives the space to chart the future. Central to Nadia's lifework is a commitment to the liberation of Palestine, and she is a proud co-founder of the Adalah Justice Project. Nadia is happiest when she is dreaming and building with co-conspirators towards horizons of abolition, decolonization, and collective flourishing. Together with her family, Nadia is currently documenting the life and vision of her grandfather Salah Ben Youssef, a Third World revolutionary and freedom fighter of Tunisia's independence movement who was assassinated in 1961.

Sean Hill (he/him) is an Assistant Professor at The Ohio State University Moritz College of Law. His teaching and research lie at the intersection of critical race theory and criminal justice policy. Prior to joining Moritz, Professor Hill was a Law Research Fellow & Adjunct Professor at Georgetown University Law Center. Professor Hill served as a member of the Law4BlackLives Steering Committee from July 2015 to March 2017, and as the co-chair of the National Conference of Black Lawyers – New York Chapter from January 2016 to March 2018. He earned his undergraduate degree from Duke University and his J.D. from Harvard Law School.

Tejasvi Nagaraja (he/him) is an assistant professor of history at Cornell University in the ILR School. His work has appeared in the journal American Historical Review. He is writing a book about the US labor and civil rights movements, in the context of war and geopolitics. His writing and teaching is focused on the links across economic, racial and global justice.

PANEL 1: WHAT IS THE CRIMINALIZATION OF DISSENT?

Carey Shenkman (he/him) is a human rights attorney, author, and litigator in private practice in New York City. He specializes in issues surrounding freedom of expression, technology, and surveillance, and regularly consults for numerous human rights organizations. He also regularly publishes reports, including co-authoring a comprehensive study on disparities impacting Muslim Americans in the justice system (titled Unequal Treatment), updating the most recent edition of the Jailhouse Lawyer's Handbook, and researching the impact of blockchain and AI on freedom of expression.

Emerson Sykes (he/him) is a senior staff attorney with the ACLU Speech, Privacy, and Technology Project where he focuses on First Amendment free speech protections. From 2019-2020, he was also host of At Liberty, the ACLU's weekly podcast. Prior to joining the ACLU in 2018, he was a legal advisor for Africa at the International Center for Not-for-Profit Law (ICNL). In that role, he provided technical legal assistance to civil society leaders, government officials, law students, and other stakeholders from across Africa to improve the legal framework protecting the freedom of association, assembly, and expression on the regional and national levels. From 2012-13, he served as assistant general counsel to the New York City Council, where he worked to increase transparency for council members' discretionary spending, and contributed to the council's friend-of-the-court brief against the NYPD's "Stop and Frisk" program. In 2011, Emerson was a senior policy fellow in the office of a Member of Parliament in Ghana. Emerson previously conducted research and wrote about U.S. foreign policy for The Century Foundation, a progressive think tank, and worked for the National Democratic Institute's Central and West Africa Team. Emerson holds a J.D. from the New York University School of Law, where he was a Root-Tilden-Kern scholar for public interest law, and a Master of Public Affairs degree from the Princeton School of Public and International Affairs. He earned his undergraduate degree in political science at Stanford.

PANEL 2: STIFLING CAMPUS ACTIVISM

Vasuki Nesiah (she/her) (moderator) is Professor of Human Rights and International Law at the Gallatin School, at NYU. Amongst other things, she is an active member of the Critical Legal Collective that formed partly in response to the attacks on Critical Race Theory.

Tolu Lawal (she/her) works as a fellow at the NYU Law Center on Race, Inequality and the Law, joining in September 2022. Prior to joining the Center, she was a Racial Justice Legal Fellow with the New York City Commission on Human Rights, working on legislative and policy analysis, public education and community collaboration, legal research and restorative/transformational justice through a race-specific focus. While a student at NYU Law, she served as the Co-Chair of the Black Allied Law Student Association (BALSA) and one of the lead organizers of the Racism Lives Here Too campaign. She worked at the Center as an intern in 2017, as well as an intern at the ACLU Racial Justice Project in 2018, and with NYU's Juvenile Defenders Clinic from 2018 to 2019.

She is a co-founder and co-lead organizer of Unlock the Bar (UTB), a New York-based campaign and coalition of allied and systems-impacted law students and lawyers who are advocating for a just and equitable legal profession.

Dylan Saba (he/him) is a Staff Attorney at Palestine Legal, where he advises Palestine human rights advocates on a number of issues, such as free speech violations, employment discrimination, bullying, and disciplinary actions. He is also a freelance writer and a contributing editor at Jewish Currents magazine. He lives in Brooklyn, NY.

PANEL 2: STIFLING CAMPUS ACTIVISM

Nerdeen Kiswani (she/her) is a Palestinian organizer from New York City. She is the founder and chair of Within Our Lifetime - United for Palestine, a community organization revitalizing the revolutionary spirit of the Palestinians in exile in pursuit of liberation. Nerdeen has spoken for the Palestinian cause worldwide and has organized rallies with tens of thousands of attendees in support of Palestine.

Nerdeen recently graduated from the CUNY school of Law, and has organized successful campaigns on and off campus to pass a resolution by the student government and faculty of CUNY Law to cut all ties and divest from all Israeli institutions and organizations and all corporations that service the occupation. The resolution also defends the right for Palestinians to resist occupation and calls to protect Palestinian speech. In 2021 Nerdeen led a CUNY-wide campaign that successfully defeated a proposal to adopt the IHRA definition of antisemitism which it equates with antizionism. While her organizing led to Zionist organizations orchestrating character assassination campaigns against Nerdeen demanding she is expelled, in the summer of 2021 CUNY Law issued a statement defending Palestinian activism and denouncing anti-palestinian hate. Not only was this the first statement of its kind from a U.S. law school, contrary to the Zionist demands to discipline Nerdeen, she was chosen to be the commencement speaker at her graduation, marking another victory for those fighting for Palestine and our refusal to being silenced.

Jon Hanson (he/him) is the Alan A. Stone Professor of Law and the Director of the Systemic Justice Project. His teaching and scholarship melds history, the mind sciences, economics, and law. He is a four-time recipient of Harvard Law School's Sacks-Freund Award for Teaching Excellence and three-time recipient of The Shatter the Ceiling Teaching Award. He has founded or co-founded several organizations, including The Systemic Justice Project, The Project on Law and Mind Sciences, The Justice Initiative, and The [F]law magazine.

PANEL 3: CRIMINALIZING U.S. JUSTICE MOVEMENTS

Jilisa Milton (she/her) (moderator) is an Alabama-based environmental, reproductive, and racial justice advocate contributing to change in the deep south. She was the first person from the University of Alabama to graduate with a joint JD/MSW degree, and later became an Equal Justice Works Fellow and fellow at the Center on Budget and Policy Priorities. Jilisa currently works as the Deputy Director at GASP, an organization based in Birmingham, AL that fights for environmental and climate justice.

Jilisa is a leader in major social justice movements demanding transformative change on a local and regional level. She became one of the founders of Black Lives Matter Birmingham Chapter, namely as a survivor of police violence. She has also assisted in the development of grassroots organizations such as Yellowhammer Fund, a reproductive justice organization in the south that is currently fighting against abortion bans after spending years providing access to abortions through funding.

She is currently the Vice-President of the board of the National Lawyers Guild, and as a law student worked in legal organizations such as the Center for Constitutional Rights and Equal Justice Initiative, and on preventing deportations and police violence in Alabama.

Julian Hill (they/them/he/him) is an assistant professor and the founding director of the forthcoming Community Development & Entrepreneurship Law Clinic at Georgia State University College of Law. In practice, Hill supervised the Capacity Building practice at TakeRoot Justice, a New York City-based nonprofit, where they regularly advised worker cooperatives and partnered with community-based organizations to co-facilitate political education, co-develop policies and campaigns in English and Spanish, and testify before local legislative bodies. Before joining TakeRoot, Prof. Hill advised Latin American companies as an Associate at Cleary Gottlieb Steen & Hamilton LLP. They received their LL.M. from Georgetown, his JD from Harvard, and his BA from Northwestern.

PANEL 3: CRIMINALIZING U.S. JUSTICE MOVEMENTS

Astha Sharma Pokharel (she/her) is a Staff Attorney at the Center for Constitutional Rights, where she specializes in international human rights and in challenging racial and environmental injustice, abusive immigration practices, and incarceration. At the Center for Constitutional Rights, she has worked to defend the constitutional rights of advocates for justice in Palestine and advocates for environmental justice, including in cases such as *Bronner v. Duggan*, defending an individual who was sued for the American Studies Association's decision to endorse the call for a boycott of Israeli academic institutions, and *Energy Transfer Partners v. Greenpeace*, defending an organizer who was sued by a pipeline company for resisting the Dakota Access Pipeline. Astha has also worked to challenge Death by Incarceration, also known as life sentences, in the United States. Astha has represented residents of Cancer Alley in Louisiana resisting the petrochemical industry, including in cases such as *White Hat v. Landry* – a constitutional challenge to the state anti-protest critical infrastructure law. In 2020, Astha was on legal teams challenging the continued detention of immigrants during the COVID-19 pandemic in cases such as *Dada v. Witte*. Before becoming a Staff Attorney, Astha was a Clinical Teaching Fellow at the UC Berkeley School of Law International Human Rights Law Clinic, where she worked to challenge state surveillance and abusive border policies and practices.

Micah Herskind (he/him) is an organizer, a policy advocate with the Southern Center for Human Rights, and a co-creator of the #8ToAbolition political education project. Micah writes about the prison industrial complex (PIC) and movements to abolish it.

Alina Das (she/her) is an immigrant rights attorney and professor at New York University (NYU) School of Law. Professor Das is the co-director of the NYU Immigrant Rights Clinic, a leading institution in national and local struggles for immigrant rights. She defends the rights of immigrants facing deportation and partners with community groups on immigrant rights campaigns. Her legal scholarship has been published by leading law journals and cited by the U.S. Supreme Court. She is the author of *No Justice in the Shadows: How America Criminalizes Immigrants* (Bold Type Books, April 2020). Professor Das lives with her family in Brooklyn, New York.

PANEL 4: RESISTING AND SURVIVING

Omavi Shukur (he/him) (moderator) is a Research Scholar at Columbia Law and an Adjunct Professor at NYU Law, where he teaches Critical Race Theory. Omavi conducts research at the intersections of criminal law, criminal procedure, critical race theory, and critical legal studies. He also represents plaintiffs in civil rights cases and supervises law students who support abolitionist organizers. Omavi is currently a director of the Little Rock Freedom Fund. He has previously worked at the Orleans Public Defenders, Loevy & Loevy, and the NAACP Legal Defense Fund. Omavi received his J.D. from Harvard Law School.

Joela-Abiona Rivera (she/her) is the founder of the Stonewall Protests - a collective of organizers who center Black Trans Liberation by working towards the expansion of mutual aid, abolitionist teaching and anarchy. She is also a social media educator, creating posts that spread the truths we were not taught.

Joela's passion for abolition is not only rooted in the experiences she had being born and raised in the Bronx but by the wisdom she received being raised by her Puerto Rican and Trinidadian parents. She began her revolutionary work in the wake of George Floyd's murder and the rebirth of the Black Lives Matter Movement - with her central message being "abolition is liberation."

Through her work as an abolitionist, she found the strength and freedom to begin socially and medically transitioning. This freedom is what fuels her drive to spread radical love, hold people accountable, be compassionate, remain in humility and work towards the abolishment of police, militaries, governments and capitalism.

PANEL 4: RESISTING AND SURVIVING

Anne White Hat (she/her) is a member of the Aske Tiospaye (clan) of the Sicangu Lakota Oyate. The Sicangu Lakota are one of the Oceti Sakowin, the Seven Council Fires of the Lakota Oyate (the Lakota Nation). Anne's father is a direct descendant of Chief Iron Shell, and her grandfather was Chief Hollow Horn Bear. Her traditional homelands encompass the Black Hills and prairies of the upper midwest, known as South Dakota. Anne has resided in Louisiana since 2010.

Anne is one of the Indigenous women central to the leadership of the campaign to stop construction of the Bayou Bridge oil pipeline across 162 miles of Louisiana. Anne was arrested on September 18, 2018, after leading a prayer ceremony at a boat launch near St. Martinville, Louisiana, and charged with two felony counts under La. R.S. 14:61 for unauthorized entry of a critical infrastructure that allegedly occurred on September 3, 2018 near a pipeline construction site in the Atchafalaya Basin. White Hat had been present on the property in question as a Water Protector with the permission of co-owners of the land. She engaged in non-violent protest against, and monitoring of, the pipeline project and was trying to raise awareness about the fact that the pipeline was being constructed on the property illegally, a fact later confirmed as the company was found by a Louisiana court in December 2018 to have been trespassing at the time.

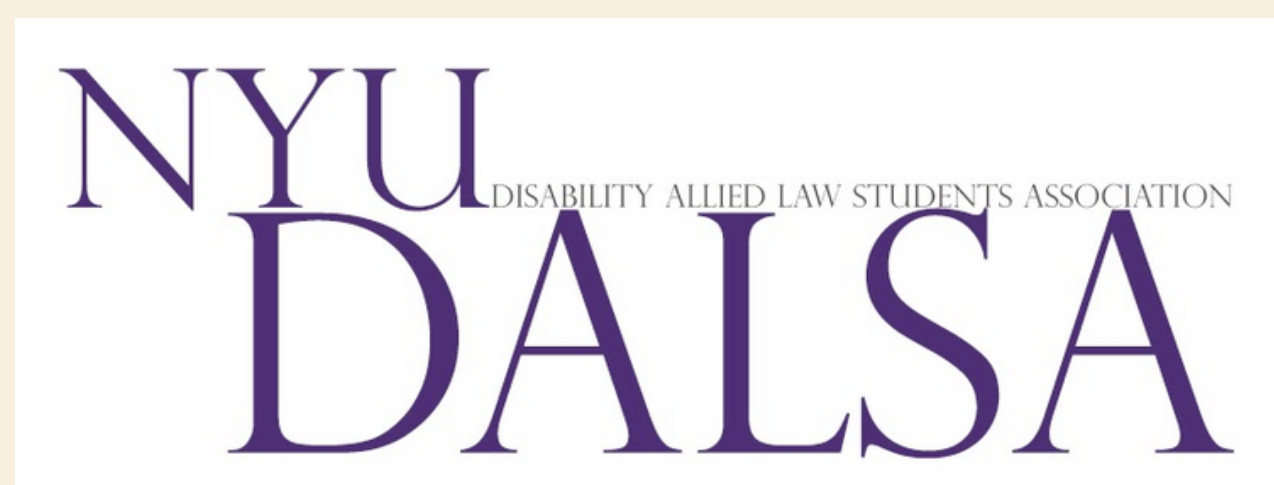
Gideon Orion Oliver (he/him) is a New York City-based solo attorney with a general practice focused on police misconduct litigation and criminal defense (especially related to arrests made in connection with First Amendment assemblies) as well as Freedom of Information Law advice and litigation. He is a past President and long-standing member of the National Lawyers Guild – NYC Chapter and a member of the NLG's National Police Accountability Project. In criminal cases and civil litigation, Gideon has represented thousands of protesters arrested around the RNC 2004, Critical Mass bike rides, Occupy Wall Street, FTP formations, and BlackLivesMatter actions, including, most recently, those seeking justice for the police murder of George Floyd.

PANEL 4: RESISTING AND SURVIVING

Rabab Abdulhadi (she/her) Dr. Rabab Abdulhadi is the founding Director and Senior Scholar of the Arab and Muslim Ethnicities and Diasporas (AMED) Studies, Associate Professor of Ethnic Studies and Affiliated Sexuality Studies Faculty, at San Francisco State University. Before joining SFSU, she served as the first director of the Center for Arab American Studies at the University of Michigan, Dearborn. A policy Advisor for Al-Shabaka, and co-chair of Feminists for Justice in/for Palestine in the National Women's Studies Association, she has served on several boards, including the Afro-Middle East Center, the World Congress of Middle East Studies (2006-2021); the International Association of Islamophobia Studies; the Executive Committee of California Scholars for Academic Freedom, US Campaign for the Academic and Cultural Boycott of Israel; Board of Directors of National students for Justice in Palestine.

She is currently writing on critical oral histories of Palestinian feminist and community activism and editing a volume on Teaching Palestine: Pedagogical Praxis and the Indivisibility of Justice. She continues to resist over 15 year campaign of new McCarthyism, bullying, smearing, death threats and lawsuits by pro-Israel lobby network to silence and intimidate her and dismantle the Arab and Muslim Ethnicities and Diasporas Studies and advocacy for justice in/for Palestine at San Francisco State University.

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