

NYU Students Harrased for Opposing Drone Murder

To our classmates and Members of the NYU Community:

Below, please find our response to recent events at NYU Law concerning student organizing around and support for the Statement of No Confidence in Harold Koh.

"We do not kill our cattle the way the US is killing humans in Waziristan with drones." –Rafiq ur Rehman

In the fall of 2013, Rafiq ur Rehman [traveled](#) with his 13-year-old son, Zubair, and 9-year-old daughter, Nabila, from their small village in North Waziristan to Capitol Hill. Their purpose in making this long and painful trek was simple: to appeal to the hearts of U.S. lawmakers by sharing stories of the carnage wrought upon their community and upon their family by U.S. drone strikes. In 2012, a U.S. drone strike had killed Rafiq's elderly mother and severely wounded two of his young children.

Only five members of Congress showed up.

The suffering of thousands of individuals like Rafiq, Zubair, and Nabila, moved a few of us to author a [Statement of No Confidence in Harold H. Koh](#). The Statement is fairly simple. It argues that due to Mr. Koh's role as a key legal architect of the Obama administration's targeted killing program, a program that violates International Human Rights Law, the Law School should not have hired him to teach that particular body of law. The petition extensively documents the factual basis for our position—and echoes the concerns of other students, academics, and human rights activists.

The gravity of targeted killings via drones and the factual basis upon which we built our petition warranted this expression of disaffection. Academic institutions, after all, are supposed to be places for honest and critical debates. At times, we have known NYU Law to be such a place—that is, a setting where compassionate and thoughtful people confront, rather than dismiss uncomfortable facts.

While we welcomed disagreement with the petition, we never fathomed that some faculty and administrators would, intentionally or not, work hard to quash our expression of dissent and intimidate numerous students. Professor Ryan Goodman, for instance, emailed every individual signatory of the petition, including some of his own students and advisees, and urged them to withdraw their support for the Statement. Withdrawal, he stated, “will reflect well on us as a community.” Due to the power imbalances between students and faculty, we find his request inappropriate.

Stephen Bright, meanwhile, a Yale Law professor and known anti-death penalty lawyer, sent a [disparaging email](#) to his former intern, an organizer of the petition and an aspiring anti-death penalty lawyer, following repeated phone calls. He asked her whether she didn't have better things to do with her time, and later claimed that the petition arose out of ignorance and inexperience. Concerning our corporate colleagues who signed the petition, Mr. Bright asked, “Does someone who is going to a firm to make hundreds of thousands of dollars a year representing corporations [have] any position to express a lack of confidence in Harold Koh?” Finally, another student was told that s/he was not welcome at Human Rights First for an internship since the organization held Harold Koh in high regard and was aware of the student's signature on the petition.[1]

Rather than a trial of the Obama administration's targeted killing program, and the distortion of Human Rights Law that it represents, what we have seen unfolding over the past few

weeks is the trial of students, mostly women and students of color, who have been dismissed as “naïve” and maligned as “smearers.” There has been no acknowledgement of the concern for human life that prompted the petition, or any acknowledgement that the more than 260 supporters of the students’ Statement include lawyers, students, scholars and pacifists from all over the globe.

Figuring prominently in this trial is Dean Trevor Morrison, who preemptively announced his verdict prior to meeting with the authors of the recent CoLR Statement: “[allegations of intimidation] are unfounded.” Ironically, the Dean himself, in his first-year constitutional law class, had described the petition as “smear,” “wholly inaccurate” and, once again, urged students to withhold support. Two of his students did, in fact, withdraw their signatures from the petition despite privately expressing agreement with its merits.

Soon after, the Dean initiated a meeting with the organizers of the petition, ostensibly for the purpose of making our upcoming [event](#) “productive.” In the process, he called our public letters “vitriol *unseen* in the law school” and accused us of “inflicting *wounds that will not heal*.” His words, uttered to three students of color, two of whom are of South Asian descent, revealed a painful truth: the wounds inflicted upon the egos of the powerful are recognized and defended, while the wounds of Rafiq, Zubair, Nabila and thousands of unnamed others fail to register—not in our university discourse or in the government’s civilian casualty count. This, more than anything else, illustrates what this petition aims to counter and why it is so important.

For all that has been said by some members of the faculty and administration, we have been saddened by the silences prevailing in their responses. None of the thousands of people assassinated by U.S. drones are mentioned—not once. There has been no questioning of the “Drone War’s” legitimacy or meaningful engagement with our concern that Mr. Koh did in

fact provide the legal rationale and cover for this program. There has been no reflection upon the relationship between state-sponsored violence abroad and state-sponsored violence here at home, in places like Ferguson, [North Charleston](#), and New York. And there has been little concern with human rights becoming a field that legitimizes U.S. global hegemony by masking its questionable interference in the social and political structures of other nations.

Indeed, the silences do not stop there. Neither the facts nor the sources that we extensively cite and upon which we base our critique, were genuinely examined. Rather, they were largely dismissed. Meanwhile, we have been [accused](#) of leveling attacks that are not ["evidence-based"](#) and of launching nothing more than a "smear" campaign. We wonder: if we have gotten the facts wrong about Mr. Koh's well-documented role in shaping and defending the U.S. government's targeted killing program, why haven't the true facts surfaced? Why are we asked to blindly take the word of his friends, who speak of past actions that have no bearing on his role in this particular violation?

We have sought to understand the troubling responses that we have received from some faculty and administrators. It occurs to us that those in government who defend drone attacks in Pakistan, Yemen, Somalia, and now [the Philippines](#), or who justify wars whether in Iraq or Libya, expect to waltz comfortably through the revolving door from government back into the academy, while demanding silence concerning these crimes.

We desire to break these silences in order to demand accountability and to express our outrage with the devaluation of human life that the U.S. extrajudicial killing program reflects.

The Undersigned,
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Jon Laks

[1] For these reasons, the NYU Law student signatories are temporarily unavailable for public viewing.