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Supreme Court of the State of New York  
County of Kings

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Athenaeum Blue & White (R.A.), Inc., )  
 )  
 Plaintiff, )  
 )  
 - against - )  
 )  
 The American Studies Association & )  
 The New York Metro American )  
 Studies Association, )  
 )  
 )  
 Defendants. )  


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**SUMMONS**

Plaintiff designates Kings County as the place of trial.

The basis of venue is residence of Defendant The New York Metro American Studies Association

**To the above named Defendant(s)**

**YOU ARE HEREBY SUMMONED** to answer the complaint or amended complaint in this action and to serve a copy of your answer, or, if the complaint or amended complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York  
July 20, 2016

/s/ David Abrams

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David Abrams, Attorney at Law  
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FILED WITH THE CLERK OF THE COURT, \_\_\_\_\_ COUNTY ON \_\_\_\_\_

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Supreme Court of the State of New York  
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Athenaeum Blue & White (R.A.), Inc.	)	
	)	
Plaintiff,	)	
	)	Index No. _____
- against -	)	
	)	
The American Studies Association & The New York Metro American Studies Association,	)	<b><u>Complaint</u></b>
	)	
Defendants.	)	
	)	
	)	

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Plaintiff, complaining of the Defendants by its attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

**I. Introduction**

1. This is an action for unlawful discrimination under the New York City and State Human Rights Laws against the Defendants which are professional organizations. As set forth in more detail below, the Defendants, a place or provider of public accommodation, have unlawfully denied such public accommodation to the Plaintiff on the grounds of its Israeli citizenship and origin.

2. More specifically, although the Defendants are nominally open to membership to all not-for-profit organizations such as the Plaintiff, they have announced, in substance and effect, that Israeli organizations such as the Plaintiff are not welcome. Thus, Plaintiff has been denied the opportunity to participate in various events in New York as well as the opportunity to apply for and obtain grants for activities in New York.

3. It should be emphasized that this action does not challenge the Defendants' right to criticize Israel; to hold anti-Israel or anti-Semitic views; or to advocate for policies based on such views.

4. Instead, this action challenges the Defendants' unlawful discrimination regardless of the political position which underlies such discrimination.

## **II. Parties**

5. Plaintiff Athenaeum Blue & White (R.A.), Inc. ("Plaintiff" or "Athenaeum") is an Israeli not-for-profit organization with a principle place of business in New York, New York.

6. Athenaeum was recently organized to educate and promote sharing and criticism of scholarly, religious, and academic books and other written materials, particularly older work, and to advocate for acceptance of Israeli institutions worldwide. Thus, as set forth in more detail below, Athenaeum is an organization which would eligible for membership in the Defendants but for their anti-Israel boycott.

7. Defendant The American Studies Association ("ASA") is a District of Columbia not-for-profit corporation with a principle place of business in Washington, DC.

8. Defendant The New York Metro American Studies Association ("NYMASA") is a New York not-for-profit corporation with a principle place of business in the State of New York, County of Kings. As set forth in more detail below, NYMASA is a local chapter of the ASA.

## **III. Venue and Jurisdiction**

9. Venue in the County of Kings is appropriate in that NYMASA is located in the County of Kings.

10. Subject matter jurisdiction over this action exists in that the Supreme Court of the State of New York has general jurisdiction. Further, Plaintiff is seeking injunctive relief against the Defendants.

11. Personal jurisdiction exists in that this matter arises out of the Defendants' activities in the State of New York, specifically the providing of public accommodation and unlawfully denying such accommodation to the Plaintiff.

#### **IV. Background**

12. Since its formation in the 1940s, Israel has been the target of boycott movements by its enemies, starting with the Arab League boycott of Israel which began some 70 years ago in 1945. Indeed, the modern movement to boycott Israel can trace its roots back to 1922 when the Fifth Palestine Arab Congress in Nablus called for a boycott of Jewish goods.

13. Due to various factors such as evolving diplomatic relations, peace treaties, and political events as well as Israel's economic success, the Arab League boycott of Israel subsequently lost steam and become essentially ineffective by the 1990s. This set the stage for the most recent campaign by Israel's opponents to delegitimize and economically isolate the Jewish State which is known as the Boycott Divestment and Sanctions campaign or BDS Movement and which was launched approximately 10 years ago.

14. Although the BDS Movement is cast as a human rights effort, it makes no attempt to boycott countries or entities which hang homosexuals; torture political opposition; or deny voting rights to their citizenry. Nor does it target (besides Israel) any of the many countries such as Turkey, Russia, or Morocco, which militarily occupy disputed territory. Instead the BDS Movement remains lock focused on Israel. Indeed, there are prominent

supporters of the BDS movement who have admitted that their goal is to put an end to the Jewish State.

15. Thus, the BDS Movement is just a new spin on an old idea – to end Israel’s existence through economic pressure, this time with the patina of human rights advocacy to lend legitimacy to its efforts.

## **V. The Defendants' Activities**

16. Defendant ASA is a professional organization. Its bylaws state that it offers membership to all not-for-profit organizations which are interested in the field of American Studies. Each such institutional member is entitled to designate a representative to act on its behalf in connection with the ASA.

17. Defendant NYMASA is a local chapter of ASA. Although NYMASA is separately incorporated, one joins NYMASA automatically by joining ASA and being located in New York. This is confirmed by NYMASA's web site, which states as follows:

We at NYMASA are proud of our vibrant community and the rich array of activities we organize: an annual interdisciplinary conference; salon talks, a monthly series in which new authors in American Studies share their work in a lively forum; grants for projects; and a variety of cultural events at local institutions. You may not know it, but you may very well be a member of NYMASA already: if you belong to the American Studies Association and live in the greater New York metro area, you are automatically a member (and you may have received our newsletter, *The Metro*

18. As part of this procedure, ASA collects dues from its members and remits a percentage of those dues to its local chapters, including NYMASA.

19. Thus, the Defendants jointly hold events in New York at which the public can attend, participate, and consume refreshments.

20. In late 2013, ASA announced a boycott of Israeli organizations. Thus, because of its citizenship and origin, Plaintiff is barred from joining ASA or NYMASA; barred from

sending a representative to events put on by these organizations; barred from applying for grants offered by these organizations, and barred from enjoying any other benefits offered by these organizations.

21. At the time the boycott resolution was enacted, ASA's president admitted that many nations, including many of Israel's neighbors, are generally judged to have human rights records that are worse than Israel's, or comparable, but stated, "one has to start somewhere."

22. In the two and a half years since that statement, ASA has not boycotted any other nation besides Israel and not even put any such other boycott up to a vote of its membership. In other words, the ASA started and finished with Israel.

23. Athenaeum was recently formed; has an interest in American Studies, and as part of its intended activities would like to join the ASA (and therefore NYMASA); send a representative to activities in New York; and otherwise enjoy the benefits of membership in ASA and NYMASA.

## **VI. Causes of Action and Demand for Relief**

### **Count I: Violation of the New York City Human Rights Law**

24. The preceding paragraphs are incorporated as if restated herein.

25. Athenaeum is a "person" within the meaning of the New York City Human Rights Law in that it is an organization and the New York City Human Rights Law defines a "person" as including "one or more, natural persons, proprietorships partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers." New York City Human Rights Law Section 8-102.

26. Further, Athenaeum is of Israeli citizenship and national origin. This is clear without even looking beyond the Hebrew in its founding documents, but the Courts have

even held that corporations can have a racial identity for purposes of anti-discrimination claims. *See e.g Hudson Valley Theater Inc. v. Heimbach*, 671 F.2d 702 (2d. Cir. 1982).

27. The Defendants are and/or regularly operate a place or provider of public accommodation in that they provide "goods, services, facilities, accommodations, advantages or privileges of any kind" within the meaning of New York City Human Rights Law Section 8-102(9). More specifically, the Defendants sponsor events held in public areas of buildings in New York at which refreshments are served and offer grants for programming in New York.

28. The Defendants are violating the New York City Human Rights Law by denying Athenaeum the above services on the grounds of its citizenship and national origin.

**Count II: Violation of the New York State Human Rights Law**

29. The preceding paragraphs are incorporated as if restated herein.

30. Athenaeum is a "person" within the meaning of the New York State Human Rights Law in that the New York State Human Rights Law defines a "person" as including "one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers." New York Executive Law Section 292(1).

31. Further, Athenaeum is of Israeli national origin. This is clear without even looking beyond the Hebrew in its founding documents, but the Courts have even held that corporations can have a racial identity for purposes of anti-discrimination claims. *See e.g Hudson Valley Theater Inc. v. Heimbach*, 671 F.2d 702 (2d. Cir. 1982).

32. Further, the Defendants regularly operates places of public accommodation, resort, or amusement in that they put on conferences which take place in the public areas of structures and in which food and lodging is offered.

33. The Defendants violated the New York State Human Rights Law by denying and continuing to deny Athenaeum, on the basis of its national origin, the accommodations, advantages, facilities or privileges of their events.

WHEREFORE Plaintiff demands judgment against the Defendants for (1) an appropriate amount of compensatory and punitive damages not to exceed \$100,000; (2) an injunction ordering the Defendants to cease engaging in discriminatory conduct; (3) costs, interest, and reasonable attorneys fees; and (4) such other and further relief as the Court deems just.

Respectfully submitted,

/s/ David Abrams

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Dated: July 20, 2016  
New York, New York