

Response to Ali v. Woodbridge School District
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Introduction

This report examines the depositions given by Mr. Jason Ali on 9 January and 2 February 2018. Of particular concern are Mr. Ali's representations of the Holocaust, the systematic murder of six million Jews and many others during the Nazi period in Germany and Europe from 1933 to 1945, his teaching practices, and his failure to adhere to the State of New Jersey Mandate on Holocaust and Genocide Education (N.J.S.A. 18A:35-28, Holocaust/Genocide Education).

In each instance, Mr. Ali has failed. He has wantonly misrepresented and displayed ignorance of the material facts of the Holocaust, as established by thousands of books and articles written by hundreds of survivors of the event and distinguished scholars since 1945 based on millions of pages of documents, material evidence, and personal witness testimony. He has failed as a teacher, displaying egregiously flawed pedagogy and incompetence in the classroom and in his interactions with students, directing them to engage in poorly structured and inaccurate research couched as "forming their own views." Finally, as a result, he has failed to adhere to the New Jersey Mandate on Holocaust and Genocide education. For these reasons, his suit against the Woodbridge School District must be rejected.

Holocaust History and the Content Specialist

In his deposition, Mr. Ali suggested that his role at school was what he called a "content specialist" - an expert in the content of his discipline. As he stated, "I'm a content specialist, that's what I am." (9 January 2018, 135) Here, too, there are glaring gaps in what he says and

what he does. Numerous errors of fact, a lack of knowledge about the Second World War and the Holocaust, and inability and unwillingness to distinguish between trustworthy and untrustworthy primary and secondary sources raise serious questions about Mr Ali's claim to content expertise.

General knowledge of the Second World War eludes Mr. Ali at several points. For example, he failed to recall basic facts such as the name of General Erwin Rommel, one of the most prominent German generals of the war (9 January 2018, 122). He could not discuss fully Elie Wiesel's classic book *Night*, perhaps the best-known account of the Holocaust by Auschwitz Survivor Elie Wiesel, saying, "It's a memoire by Elie Wiesel, I guess accounting his time during the Holocaust." (9 January 2018, 123). He went on to admit, "I really don't know much about Elie Wiesel." (9 January 2018, 128) Moreover, when asked why *Night* was being taught in classes he said, "I have no idea." (9 January 2018, 129). Elie Wiesel is, perhaps, the most well-known Holocaust survivor and activist. It is unbelievable for someone who calls himself a content expert not to know Wiesel's work.

Additional mistakes abound in Mr. Ali's testimony. Mr. Ali conflated and confused several episodes and historical figures in his discussion of the Transfer Agreement (2 February 2018, 87) between Nazi Germany and German Jewish Zionists in 1933, which he noted was signed by Balfour, presumably British statesman Arthur Balfour, who had died in 1930. He also admitted to not knowing what the Einsatzgruppen were. These German units, charged with killing Jews in the early stages of the Holocaust in Eastern Europe, were a key component of the so-called "Holocaust by bullets." (2 February 2018, 92-93) Mr. Ali also contends that 'a lot of the evidence' at the post-war Nuremburg trials "was obtained through torture," a wildly inflated claim. Mr. Ali was also confused about the factual identity of Oskar Schindler, who was a real

figure who served as the basis for the noted film *Schindler's List*, which Mr. Ali stated, "I've never watched, nor would I." (9 January 2018, 125). Although Mr. Ali notes that, "I'm the content specialist," his grasp of people, events, and interpretations related to the Second World War, the Holocaust, and its portrayal are suspect. These giant gaps in basic factual knowledge are counter-balanced by a worrisome awareness of arcane, conspiracy-related details, a classic case of losing the forest for the trees in historical terms.

Other gaps in Mr. Ali's understanding and application of content knowledge emerged in his depositions. WBOE608-609 indicate significant student lack of understanding, or poor teaching, including definitions of Benito Mussolini as "the best Italian Prime Minister" and a claim that Adolf Hitler "is looked at as a bad guy but in reality brought Germany out of its great depression," although Mr. Ali denied teaching those definitions (2 February 2018, 75 and 76). In relation to Hitler, Mr. Ali refused to acknowledge that Hitler was "a bad guy," calling that claim a "subjective" point of view. (2 February 2018, 76). He stated that he directed the class to view testimonials on the website of the USC Shoah Foundation, a well-regarded repository of extensive Holocaust Survivor testimony. Yet, these testimonies make no appearance in the work of his students, who instead seem to be taken with conspiracy theories and dubious documentaries. Not a single paper reflected any investigation of the detailed recollections and personal stories of those who witnessed the horrific events of the Holocaust. As Mr. Ali himself notes, the Shoah Foundation holds 50,000 testimonies. Why, one must ask, was he not directing his students to this rich vein of primary source documentation, and instead championing the use of highly tendentious documentaries lauding Hitler as the misunderstood savior of Germany?

Mr Ali denied that he taught that that Hitler was a "good guy," going on to explain "No, I don't teach things like that. That's purely subjective. I'm a history teacher, I teach facts. Your

opinion, your interpretation of those facts, that's for the kids to decide. My thing is to lead you to the proper facts.” (9 January 2018, 201) Although on the face of it this may seem reasonable, Mr. Ali utterly failed to do this. Adolf Hitler was certainly not “good,” by any measure or definition of the term. It is not a matter of subjective evaluation or interpretation. It is not a matter of opinion that Adolf Hitler was directly and indirectly responsible for the deaths of six million Jews and over twenty million people overall in Europe. Leaving this “for the kids to decide” is a massive abrogation of a teacher’s responsibilities, especially when this includes allowing, even encouraging, student to view video materials that are factually incorrect and interpretively flawed.

Further, Mr. Ali seems to have siloed himself off from the work of his colleague in English. It is commonplace for units on the Holocaust to be partner-taught between History and English. Often, in schools where this is feasible, there is a sociology or psychology component, as well. The idea that genocide is not interdisciplinary is simply not best practice. There are historical facts, of course, and there are also the psychological components of genocide, the ways in which survivors and perpetrators remember and write about their wartime experiences, and art and music from the time that can be examined. To declare oneself a content expert and, at the very same time, show no willingness to work with other disciplines and absolutely no knowledge of what might occur in those disciplines is mind-boggling.

“Content experts” not only know their content, but they know the resources available to them. They make use of a wide variety of historically accurate, truthful sources, and allow their students to grapple with them. So, for example, when teaching about the Holocaust, it is appropriate to begin with a textbook chapter and then to look for supplemental resources. Some of the most common are those from *Facing History and Ourselves* and *Echoes and Reflections*,

both freely accessible online. There are also commonly used sources for teachers on the United States Holocaust Memorial Museum website. By making use of these resources, teachers expose students to a combination of primary and secondary sources, and deepen their learning.

Mr. Ali claims he is a “content expert,” yet seems to be entirely unaware of both content and resources. The sources that Mr. Ali’s students found are denialist sources. It seems beyond the realm of the possible that his students would all find their way to the resources they did, and only those resources, without being pointed in that direction. At the very least, it is easy to imagine a scenario in which a student “found” Cole at Auschwitz, this video was discussed and given credibility in class, and this resulted in numerous other students doing the same thing.

Fundamentally, antisemitism is at the heart of Holocaust denial. It exists in order to “rehabilitate” the image of Hitler and the Nazi party, more broadly. Denial focuses on creating doubt, something that Mr. Ali did for his students. By allowing his students to investigate assertions, myths, and logical fallacies as if they are real, Mr. Ali created the space for denial to grow. This allows the idea of “maybe there is more to this than I was told” to bloom. Historian Deborah Lipstadt uses the term “immoral equivalencies” to describe the logical fallacies used by deniers. She explains that Holocaust deniers will say, “Yes, the Germans had camps (because they can’t deny that there were concentration camps. Those were reported even in the German press, which was hardly a free press, but everybody knew there was this system of concentration camps), but the Americans had camps too... they did bad, we did bad, in war bad things happen.” The danger in these assertions, Lipstadt explains, is more than that they are completely false. It is that “there is no moral equivalency for the Holocaust.”

Two core themes underpin the rhetoric of Holocaust deniers: that the Jewish people were not the victims but the victimizers, and that the material evidence of a genocide were all

fabricated. In Lipstadt's trial defense against Holocaust denier David Irving, expert witness historian Professor Sir Richard Evans listed the following common contentions of Holocaust deniers:

1. The number of Jews killed by the Nazis was far less than six million; it amounted to only a few hundred thousand, and was thus similar to, or less than, the number of German civilians killed in Allied bombing raids.
2. Gas chambers were not used to kill large numbers of Jews at any time.
3. Neither Hitler nor the Nazi leadership in general had a program of exterminating Europe's Jews; all they wished to do was to deport them to Eastern Europe.
4. 'The Holocaust' is a myth invented by Allied propaganda during the war and sustained since then by Jews who wish to use it to gain political and financial support for the state of Israel. The supposed evidence for the Nazis' wartime mass murder of millions of Jews by gassing and other means was fabricated after the war.

Challenging these contentions requires one to be a "content expert," something Mr. Ali claims that he is. We see, however, that Mr. Ali encouraged, even approved, Holocaust denial rather than debunked it. In this way, he displayed a woeful lack of content knowledge, an extraordinary lack of sensitivity in using the knowledge he had, and a failure as a teacher in guiding his students to investigate one of the most pivotal and tragic events of human history.

Teaching Practices and Pedagogy

Good teaching in the 21st century demands a great deal from our teachers. It asks that skilled teachers lead students to examine critically quality sources, and to be able to discern quality sources from those that pervert truth and perpetuate falsities. This case is about what it means to be an ethical and competent teacher. This immediate area of examination intersects with other areas, of course, including free speech, and history. Neither of these, however, can be disentangled from what it means to be a teacher in the 21st century.

Current best practice teaching asks for teachers to use technology in their classrooms. There is a focus on creativity, collaboration, communication, and critical thinking. It places an emphasis on truth-telling, fact-finding, and narrative-building. The use of technology is not simply to use technology, but to help students acknowledge what they do not know, and construct an argument. In history, it is about the use of sources, primary, secondary, film, fiction, and art, in order to learn what took place during a time-period.

Mr. Ali discusses Bloom's Taxonomy, a tool that is often used to help teachers develop learning objectives, but conflates this with a philosophy, or perhaps even pedagogy. Mr. Ali states "You always look up the facts for yourself and then you interpret it based off what you've researched and to double and triple check all your research and make sure you have credible sources." (9 January 2018, p. 79) While good advice, Mr. Ali signally failed to hold his students to this standard.

Mr. Ali explains his teaching philosophy as a "computer/internet-based classroom," one that has 21st century learning standards, that doesn't rely on "dittos and things like that." (p. 68, 9 January 2018) Beyond this, his philosophy is hard to discern. Ali further stated that "I explain to

them on any written assignments anything that needs research to try and stay on dot gov's, dot EDUs and dot orgs.” (p. 69. 9 January 2018). Although this is reasonable advice for internet searching for student research projects, Mr. Ali clearly did not uphold that standard for student work related to the Holocaust. Mr Ali posted articles that could easily be construed as anti-semitic on School Wires, the school website. He also showed sections of a “documentary” produced by filmmaker Dennis Wise entitled “Adolf Hitler: The Greatest Story Never Told.” This deeply-flawed work is an excellent example of Holocaust denial, portraying Adolf Hitler in a sympathetic light, questioning the number of Jews who died in Second World War, and other points frequently made by Holocaust deniers. (9 January 2018, 107-111 and 116-121) Although he calls this a “student-derived resource” (116) he was familiar with the documentary and thought it good enough to show in his class after a student emailed it to him. When asked if it was appropriate to show the documentary, Mr. Ali replied “I think it’s completely appropriate.” (9 January 2018, 136). Mr. Ali stated that he found the documentary “extremely unbiased, factual based.” (9 January 2018, 118).

This statement demonstrates Mr. Ali’s failure to grasp several basic ideas related to knowledge about the Holocaust, Adolf Hitler, and historical practice. First, the facts upon which the documentary are based are selective and in places wrong. Secondly, the portrayal of Hitler and the Nazis in Germany is deeply flawed. As documentary maker Dennis Wise noted in an interview, “I have no doubt some Jews may have been killed illegally just like I have no doubts that many Germans were also...in continually pushing the Holocaust, it helps them [Jews] in being portrayed as victims, when in fact they are actually the most powerful and aggressive country in the region.” (www.thegreateststorynevertold.tv/10-questions-answered-by-dennis-wise/) Thirdly, to call any historical account “extremely unbiased” (9 January 2018, 118) is to

go against the common practice of history. Every source contains some bias, and it is the important job of historians to recognize and understand what those biases are.

Especially troubling are the results of Mr Ali's use of the documentary. WBOE626 begins with a student paper entitled "A Gas Chamber Full of Lies", which draws upon the Dennis Wise documentary to reach startling conclusions. "We are taught," the student writes, "of Hitler's extremely cruel treatment toward the people of the Jewish religion, but have we ever asked what the Jews had done to Germans?" Based on this documentary, says the student, Jews, "introduced pornography and irrationally ridiculed Christianity" and "were also responsible for causing not one, but many economic crashes between the years 1870 and 1920." On WBOE633, the results of using this sort of course materials are clear, where the student – left, as Mr Ali argues is right, "for the kids to decide" – questions "I have been taught that the Holocaust was a time where Hitler chose to brutally abuse, take advantage of, starve and murder Jews, for absolutely no reason at all. We have all been taught that the Holocaust was a time of hate, and that Hitler used the gifts he possessed for absolute evil, but is that really the case? Did the Jews not crash Germany's economy on more than one occasion? Did they not criticize Christianity because it was not what they believed? Did the Jewish Zionists themselves not introduce a whole world of people to pornography? ... Is the death of the Jews completely justified? No, because nobody deserves to die, regardless what they've done. But are their deaths completely unjustified either?" In his deposition, Mr. Ali seems to privilege the research process, even if it generates utterly wrong-headed interpretations and simple plain bad facts, over historical accuracy, when he stated that he was proud of this student "for finding research? I mean, for finding information online? Yeah, absolutely." (2 February 2018, 89)

Mr. Ali is indicted by his own students. According to the memorandum of discussion with Mr. Ali, students had reported that he had told them that accounts of the Holocaust had been exaggerated. (WBOE107) One student noted, “this year in my history class, I can honestly say is the most real education that I have ever been taught in all my years of going to school,” including what the student saw as “the truth about Hitler,” (WBOE636) This “truth” included more of that same: Adolf Hitler as the brave savior of Germany from Zionists who “Needed to be kicked out of Germany before they could do any more damage.” (WBOE637); Hitler was “completely justified” for invading Poland, Czechoslovakia, and France; and “I highly doubt that everyday Jews were burned.” (WBOE639) Indeed, the student had taken away from Mr. Ali’s free-thinking class that Jewish concentration camp inmates, “had a much easier and more enjoyable life in the camps.” (WBOE639) What this student took away from Mr. Ali’s classroom is “the whole story that they teach us in school is false and completely exaggerated.” (WBOE640) In turn, Mr Ali has stated that “I’m very proud of her” (2 February 2018, 81) for offering what seems, in his estimation, to be thoughtful analysis, even if it is both historically flawed and hugely insensitive. He even allowed the student to read the essay to the class on the basis that, “I don’t subvert opinion in my class.” Such conclusions, reached as a result of Mr. Ali’s classroom instruction practices, are antithetical to the New Jersey Mandate.

Perhaps most troubling, Mr. Ali fails to understand the distinction between teaching students to do research and draw conclusions, which is indeed the job of the historian, and allowing students to purvey half-truths or outright lies on the basis of scant research using inaccurate sources. Instead of guiding his students to a greater understanding of history, he leads them to half-baked ideas masquerading as facts and independent research. Take, for example, Mr Ali’s deposition about his teaching related to Adolf Hitler, he said he did not teach that Hitler

was an evil person, and instead said he only taught his students “acts” and “to question everything.” (2 February 2018, 97-98). Mr. Ali also discussed Adolf Hitler’s *Mein Kampf* with at least one student, offering at best a tendentious reading of this book. He argues “the book doesn’t have anything to do with the extermination of a population of people.” While *Mein Kampf* does not lay out a blueprint for the extermination of the Jews, the book clearly highlights in the strongest possible way the view that Jews were, in Hitler’s view, largely responsible for the problems of Germany in the interwar period. Moreover, there is a pervasive view that Jews are incompatible with the German nation, the implication being that they need to be removed. Mr. Ali’s insensitive reading of this core Nazi text and inability to challenge his student about her reading of it is yet another serious failure.

The idea of using textbooks in a minimal way, asking students to conduct research, find reliable sources, and present that research to the class is admirable. What happened in Mr. Ali’s classroom is a perversion of that goal, however. It is fair to say that I do not know the students, specifically, that Mr. Ali has taught. I do understand the ways in which students admire teachers, however, and the ways in which teenagers are impressionable. It is in this vein that I would like to offer several additional comments. Students of all ages, across the P-16 spectrum, look up to their teachers. This is particularly prevalent when they have a teacher who fosters a sense of “being in it together,” or “fighting the man.” The email exchanges between Mr. Ali and his students, the language they developed between them (“being a slap,” for example) is emblematic of a power dynamic that is worrisome. There appear to be limited boundaries in place, and a level of casual discourse that moves beyond the typical boundaries of teacher-student appropriateness.

In my role as a supervisor of teacher candidates and student teachers, I often talk to these students and the new teachers I work with about these boundaries. While, certainly, I encourage open lines of communication as a way of enhancing learning, the emails – even the headings on student papers – are inappropriate. It is the role of a teacher to help students grow into their lives as young professionals, to understand things like email etiquette, and to teach them how to interact with the adult world. Mr. Ali did not do anything of these things. Not only did he not elevate the conversation, but he lowered the stakes.

Mr. Ali allowed his students to engage with Holocaust denial. This is a slippery topic to teach, though rather than teaching *against* denialism, Mr. Ali teaches directly *into* it. Teaching against denial requires students to know a great deal of historical truth about the Holocaust, while also being able to consider the denier's claim, question why someone would deny the Holocaust, and understand how and in what ways denial hurts not only survivors, but witnesses and perpetrators.

Mr. Ali claims that he is a “content expert,” and believes that students should be given facts from all sides of an issue, then be left to form their own opinion. On some issues, this makes sense. Some issues are debatable: gun control, and immigration, for example. Others, however, are not. Facts of historical record are not up for debate. The Holocaust happened. Eleven million people were murdered, six million of whom were Jewish. Concentration camps did not “serve” inmates three square meals a day. Gas chambers were real, and Nazis actively murdered people inside of them. These are facts, not open to interpretation. If students find their way to films or articles that contain Holocaust denial this is a teaching moment about antisemitism, how lies masquerade as truth on the internet, and the importance of critical analysis. It is categorically *not* an opportunity for teenagers to form their own opinions. There

is, again, only one truth. A teacher who allows students to believe otherwise is either (1) so severely lacking in content knowledge and appropriate pedagogy that he or she does not belong in a classroom, or (2) so unethical that he or she does not belong in a classroom. Both conditions are emphatically true in the case of Mr. Ali.

The New Jersey Holocaust Mandate

These troubling conclusions lead to the third major point: that Mr Ali violated both the spirit and the letter of the New Jersey State Mandate (henceforth the Mandate). In 1994, New Jersey became the first state in the United States to adopt a mandate for the teaching of Holocaust and genocide education. The full text of the mandate reads:

State of New Jersey
Adopted March 10, 1994

Sponsored by Senators Ewing, McGreevey, and Sinagra

AN ACT regarding genocide education in the public schools and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:
 - a.** New Jersey has recently become the focal point of national attention for the most venomous and vile of ethnic hate speeches.
 - b.** There is an inescapable link between violence and vandalism and ethnic and racial intolerance. The New Jersey Department of Education itself has formally recognized the existence of the magnitude of this problem in New Jersey schools by the formation of a Commissioner's Task Force on Violence and Vandalism.
 - c.** New Jersey is proud of its enormous cultural diversity. The teaching of tolerance must be made a priority if that cultural diversity is to remain one of the State's strengths.
 - d.** National studies indicate that fewer than 25% of students have an understanding of organized attempts throughout history to eliminate various ethnic groups through a systematic program of mass killing or genocide.
 - e.** The New Jersey Commission on Holocaust Education, created pursuant to P.L.1991.c.193 (C.18A:4A-1 et seq.), several years ago expanded its mission to study and recommend curricular material on a wide

range of genocides. The Holocaust Commission is an ideal agency to recommend curricular materials to local districts.

2.
 - a. Every board of education shall include instruction on the Holocaust and genocides in an appropriate place in the curriculum of all elementary and secondary school pupils.
 - b. The instruction shall enable pupils to identify and analyze applicable theories concerning human nature and behavior: to understand that genocide is a consequence of prejudice and discrimination; and to understand that issues of moral dilemma and conscience have a profound impact on life. The instruction shall further emphasize the personal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens.
3. This act shall take effect immediately and shall first apply to curriculum offerings in the 1994-95 school year.

As if the massive volume of scholarship produced substantiating the Holocaust and other genocides is not enough, the New Jersey mandate (Section 2.a.) instructs “every board of education” to include “instruction on the Holocaust and genocides.” There is no equivocation here. Through the Mandate, the state of New Jersey has declared that the Holocaust happened. The basic facts of the Holocaust are not up for debate. It is not a matter of different perspectives, or opinions, or different research. Nor is it allowable to suggest that the Holocaust did not happen. The Mandate moreover notes that instruction will help students to identify and analyze the causes and consequences of genocide (Section 2.b.) Mr. Ali, by actively encouraging his students to reach faulty conclusion on the basis of shoddy research, has violated this stipulation, and indeed done egregious harm by allowing his students to believe they have thought for themselves and drawn their own conclusion, when in fact he has simply helped to purvey Holocaust denial in contravention of the Mandate.

Mr. Ali speaks in broad strokes about history content standards, and claims that there are no additional mandates around Holocaust and genocide education. On page 79 of the 9 January 2018 deposition, Mr. Ali states that he is not aware of any New Jersey statutory requirement to teach the Holocaust:

Q. Are you aware of any New Jersey statutory requirements concerning the Holocaust?

A. Nothing besides what would be in the core curriculum standards of the history department.

This is factually incorrect. New Jersey was the first state in the United States to mandate Holocaust and genocide education. This mandate went into place in 1994, and requires that Holocaust and genocide education be included in “the appropriate place” in the curriculum for all elementary and secondary students in the state. It goes on to say that this education should emphasize the fact that “each citizen bears the responsibility to fight racism and hatred whenever and wherever it happens.” Beyond the obvious fact that Mr. Ali did not know that the mandate has been in existence for almost 25 years, he was out of compliance with the mandate. By allowing his students to investigate Holocaust denial, and validating this by showing clips in class of the denial videos that they found, Mr. Ali perpetuated prejudice and hatred rather than fighting against them.

Conclusion

Gregory Stanton, noted Professor in Genocide Studies and Prevention at George Mason University and President of Genocide Watch, has conducted extensive work in documenting the *The 10 Stages of Genocide*, which offers a framework that is now used throughout the world. Denial is the last stage of every genocide. What Mr. Ali has done by allowing his students to investigate and debate sources of Holocaust denial is give credibility to the idea that “maybe the

Holocaust wasn't so bad." Rather than encourage his students to think critically, Mr. Ali has brought them down the rabbit hole of denial.

Ultimately, this report must conclude that Mr. Ali had a sub-par understanding of content related to the Holocaust, employed signally inappropriate pedagogy in teaching the subject, and violated the New Jersey Mandate on Holocaust and genocide education. Mr. Ali was hired to teach history to high school students. Part of his curriculum was World War II and the Holocaust. Further, Holocaust education is mandated by the state of New Jersey. Mr. Ali was out of compliance with the New Jersey state mandate, as he was not "fighting racism and hatred" through his teaching, but encouraging it. His teaching was unethical and inaccurate. Looking beyond any misgivings I have about the ways in which he communicates with students, which are many, it is clear that Mr. Ali is fundamentally unfit to teach about the Holocaust or any related historical topic.