

those on one side of the conflict wish to suppress the critiques of the other is anathema to the most essential values of the academy.

Baseless accusations of anti-Semitism and support for terrorism have had devastating impacts on me and other members of the university community. Students and faculty have been consumed by defending our right to speak freely. These smear campaigns can affect our future and career opportunities and subject us to unwarranted government scrutiny of our speech activities.

#### Notes

1. Editors note: The AMCHA Initiative is a Zionist organization based in California that collaborates with other Zionist individuals and groups to suppress speech critical of Israel on university campuses across the United States. Its central tactic is to label any and all critical statements or questions about the Israeli state as "anti-Semitic."
2. This is a direct quote from the AMCHA email sent to the SFSU president and posted on the AMCHA site at [www.amchainitiative.org/amcha-co-founders-challenge-san-francisco-state-university-president-about-campus-event-glorifying-the-murder-of-jews/](http://www.amchainitiative.org/amcha-co-founders-challenge-san-francisco-state-university-president-about-campus-event-glorifying-the-murder-of-jews/). All websites last accessed February 1, 2016.
3. Video of the event may be viewed at the following links: Part 1: [www.youtube.com/watch?v=r4u8GpC-AiQ](http://www.youtube.com/watch?v=r4u8GpC-AiQ); Part 2: [www.youtube.com/watch?v=pQ\\_vVz1Rg0g](http://www.youtube.com/watch?v=pQ_vVz1Rg0g); Part 3: [www.youtube.com/watch?v=5HWjm0JYbyM](http://www.youtube.com/watch?v=5HWjm0JYbyM).

## 7

### Hanlon's Razor Cuts Both Ways

*David Delgado Shorter*

Editors' note: David Shorter, Professor and Vice Chair of the Department of World Arts and Cultures/Dance at the University of California at Los Angeles, taught a Tribal Worldviews course in 2012 that focused on indigenous peoples' use of the media to assert claims to sovereignty. For students' optional consideration toward completing their final projects, he included on his course website many resources, including the link to a webpage supporting the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) together with several articles opposing the Boycott, Divestment, and Sanctions (BDS) movement. As Professor Shorter discusses in this testimony, for this "crime" he became the target of a sustained investigation by the university and public persecution in violation of the most elemental protocols of academic freedom and of UCLA's own internal policies.

At the University of California Los Angeles I teach a course called "Aliens, Psychics, and Ghosts" where we explore how the social sciences contribute to the study of the paranormal, or "perinormal" as Richard Dawkins has us consider. The course is quite popular for many reasons, though I want to believe the students are generally interested in a pedagogy that shows them that they should be critical of what they read, what they watch, and even of the professors standing in front of them, including my own course content and perspectives. The course covers alien abduction testimonies, scholarly studies of psychic abilities, and the possibility that consciousness continues after death. Because so much of the scientific method regards determining if evidence is valid, the students and I spend a lot of time discussing "Occam's Razor," the principle that among competing hypotheses we should choose the

one with fewest assumptions. William of Occam's original statement was *non sunt multiplicanda entia sine necessitate*, essentially "let's not make things overly complex." In common usage, we could frame it as: among the multiple reasons for any phenomenon, go with the ones that are most reasonable. Such a means of weeding out improbable causes comes in handy when considering how "the paranormal" might be some combination of government conspiracies, human error in perception, as well as entertainment and marketing strategies.

I have also wrestled with Occam's Razor when attempting to understand the impulses, logic, and stratagems that have plagued me since my administration's 2012 conscious or unintended collusion with a right-wing, Zionist organization. A couple of administrators, maybe more (one never knows), conspired to appease this organization at the expense of my reputation and academic freedom. Using Occam's Razor, I would often conclude that as business-minded administrators, they simply thought the cost – academic freedom – was worth the benefit: financial support from pro-Israel donors, regents, and organizations. From a business perspective, such logic is not unimaginable. After all, the only thing hurt is one professor's reputation and name; the cost is perhaps some criticism from "the left."

But if their reasoning was simply about business, then Occam's Razor is less relevant here than an equally useful aphorism sometimes referred to as Hanlon's Razor: never attribute to malice what can be explained by stupidity. Three years of investigating by internal review committees have enabled me to perceive not so much a small group of administrators making simple-minded business decisions or even mean decisions, but actually stupid decisions because such decisions retard two core university functions: (1) faculty productivity and (2) the exercise and training of critical thought. Therefore, we can see how deciding to appease Zionists and other right-wing political groups affects the brand image of the university negatively and more importantly the quality of service provided to taxpayers. So instead of seeing my administration as making a business-wise decision, I started to see how their decision was a business-stupid decision. Which makes you wonder why they are being paid so much for doing such a poor job.

Administrators at my university, particularly the Executive Vice Chancellor and the Vice Chancellor of Academic Affairs, unfathomably thought that dozens of faculty should spend years investigating whether

faculty in general should exercise academic freedom in the classroom. They thought that the reputation and labor of one professor, me, was less valuable than appeasing a right-wing political organization. They must have thought that academic freedom was slightly less important than Israeli nationalism. And if true, then they must have thought that the university itself should relinquish its teaching agenda to outside organizations. Hanlon's Razor helps us see not a group of people who are somehow evil or mean, but rather a group of people making stupid decisions, decisions that are not the best for the faculty, the students, the university as an institution of critical thought, or the university as a business. Their decisions soil the very core of the university's mission of pursuing thoughtful and open engagement of global issues.

The following is a brief account of lessons from my personal experience at the University of California Los Angeles. I refrain here from the tedium of all the attacks, all the committee meetings, and all the various decision processes since 2012. I obviously need to leave out much. But I provide here snippets, fragments of various moments. This first-hand report, then, is intended to give a glimpse into various perspectives and processes within my fight for academic freedom on my campus. I hope it helps us consider the true costs of poor university leadership, and the value of fighting for the mission of our universities and colleges.

I taught W33: "Tribal Worldviews" in the Department of World Arts and Cultures during the winter quarter of 2012, and I used a course website (CCLE) provided to professors for course materials. That course covered indigenous uses of media around the globe to assert their claims of sovereignty. My course website contained pages of source materials and URLs for struggles on multiple continents and includes United Nations documentation – 2000 and 2009 – on Palestinian people as "indigenous." That CCLE also contained a link to the USACBI website because students had the option of writing a final paper on how indigenous people were using media to gain political strength around the globe. I wanted them to see the USACBI website themselves. *I also included links for perspectives that were critical of boycott movements.* The students had four themes from which to choose for their final papers, and thus none were required to write about Palestine or BDS. And I did not lecture on any single day about Israel or Palestine. Because the course covered case studies on multiple continents, I was simply using the course content manager as a means to help them with their final paper research. There were links,

for example, about natural resource extraction in Chile, another topic I never covered in classroom lectures. Though, to be clear, I signed a petition once about that Chilean damn project, similar to how I have put my name on many petitions or statements of support regarding a variety of my political leanings: Target, Chick-fil-A, and the USACBI. That college course ended in March, as did access to that site, which was only viewable to the enrolled students.

On April 4, 2012, about a month after the class ended, I was contacted by my departmental chair, Professor Angelia Leung, and was told that Andrew Leuchter, Chair of UCLA's Academic Senate, was reviewing my course site for inappropriate materials pertaining to the Academic and Cultural Boycott of Israel since he had received a letter of complaint from a student in that class. (We now know that no letter "from a student" had been received.) My chair, Leung, asked if I had any further information to provide. I emailed her my syllabus and a URL about organizations targeting US professors for their Palestine-related course materials. At the time, being a relatively new faculty member, I thought the review seemed oddly clandestine, but perhaps how things worked at UCLA. I was swamped teaching in spring quarter, but also running an open-rank, open department search on campus which led to me, in hindsight naively, thinking "this will prove to be nothing." Unfortunately, I was wrong.

On April 11, Professor Leung asked me to come to her office where she told me that after talking with Leuchter, she was responsible for conveying to me that I could either teach about a petition or be a signer of a petition, but that I could not do both. I expressed the myriad of problems with that decision and said that I would have to think about the implications of this supposed policy. I asked if I could defer the conversation until next year when I would teach W33 again. My chair asked if I understood what was being asked of me. I facetiously responded that I understood the larger situation, specifically that I understood the problematically political context of this entire review and the situations around the country where professors are being harassed for discussing Israel's policies. I remember rattling off some comment about how I had been critical of US policies toward American Indians for decades without a problem but Israel was somehow off limits, as I grumbled out of her office in stereotypical disgruntled professorial form. In hindsight, I was probably in sheer disbelief.

We now know that Leung reported back to Professor Leuchter as Chair of the Academic Senate, within the hour that same day, saying that David "expressed his understanding of the situation and said he will address this misstep in future course offerings." I did not phrase my actions as a "misstep." Professor Leung, as she later conveyed to me, thought it was best to appease Leuchter who had explicitly asked for an apology. (I would be remiss not to mention that Leung is a woman of color responding to a white male who is more senior to her in the university hierarchy.) Shockingly, we also now know that on April 12, Andrew Leuchter wrote to the complaining party (AMCHA<sup>1</sup>) and copied his email to everyone on their original complaint, including US Senators and University of California administrators (UCOP), saying that "posting of such materials is not appropriate. Professor Shorter's chair assures me that he understands his serious error in judgment and has said he will not make this mistake again." Following Leuchter's reporting to the complaining organization, AMCHA issued a press release about their victory over an anti-Semitic professor who was teaching anti-Israel materials at UCLA, quoting Professor Leuchter verbatim. They framed the issue to read as if UCLA, the institution, had officially issued a finding that my "actions were inappropriate." On April 13, the *Los Angeles Times*, the *Chronicle of Higher Education*, and *Inside Higher Education* contacted me, asking for a comment about my recent disciplinary action and my stances on Israel. *These calls from reporters were the first I had heard about anyone communicating to outsiders that I had even been talked to about this course.* Think of that: I heard from newspaper reporters about my "disciplinary action" before hearing from anyone on my campus about any final decisions or any "formal" review. When I called these reporters, they each responded that they had already spoken with Leuchter and confirmed with him, as the Chair of the Academic Senate, that I was disciplined. And as I now expect with press inquiries: they ran their stories whether they talked with me or not.

In my original June 2012 grievance letter to the Academic Senate Committee on Academic Freedom, I was very pointed about the cause of the problem (as I then knew it): Andrew Leuchter must have been to blame. After all, Leuchter single-handedly decided he would respond to this outside organization's complaint, but he never met with or talked with me during all of these exchanges and flows of information. Why did I think Leuchter did all of this on his own? First, because after hearing

from reporters, my first call was to the Vice Chancellor of Academic Affairs, a woman I had previously considered a professional mentor. She expressed shock that any of this was happening, but also told me to just let it all blow over. (We now know she caused the entire matter to begin.) Second, I thought Andrew Leuchter was to blame because the Executive Vice Chancellor invited me to his office that summer to personally say that university administrators were not involved at all (a claim we now know to be a lie). He literally advised me to point my legal complaints toward Leuchter and not the university. I took the bait, hook, line, and sinker.

My questions in the 2013 grievance letter against Leuchter are still pertinent and bear repeating here in the case any reader finds themselves or their teaching "reviewed" by an administrator. What kind of "investigation" did he conduct? He did not speak with my teaching assistants who would have told him I never lectured about Israel or BDS, much less shared any personal opinion on the matter. He did not speak with my four students who wrote their final papers on Palestine and the BDS movement, three of whom are Jewish, and all four having received "As" on their final papers. He did not speak with me, the person being investigated. Nor did he speak with my partner at the time, also Jewish, about my supposed anti-Semitism. Certainly, even if Leuchter had the authority to offer "due process," his actions did not constitute due process in any meaningful sense of the term, and, in fact, constituted a violation of the normal protocols of due process at the University of California or most other universities for that matter. To be very clear on this matter, the AMCHA Initiative, a non-university organization with a history of spurious claims wrote the university a threatening letter about trumped-up claims of my having criticized the state policies of Israel. Then, one professor, in his role as Chair of the Academic Senate, without any oversight at all, reviewed and judged me to be in error and then communicated his "opinion" to the press, my university administrators, and state representatives without ever having spoken directly with me. You could see why my anger rested with one person: Andrew Leuchter, the Chair of our campus's Academic Senate.

After the initial news reports, my life changed almost instantaneously. At the time, I was consulting for three entertainment studios on their representations of either indigenous peoples or the paranormal. One deal that was in the works would have contracted my labor for four

months for approximately \$17,000.00. I was in negotiations with other production teams, as well. The newspaper articles came out about my supposed character as an "anti-Semite," and I never heard from any of those industry agencies again. My relationship with a man from a prominent Jewish family then grew rocky and ended. I was removed from academic committees and advisory boards around campus and in the arts organizations around Los Angeles. I applied for four grants between 2012 and 2013 and did not receive any. I cannot be certain that I was unfairly prejudiced by what people perceived to be true based on national media coverage. But that's just one rub of such attacks: from now on, we simply do not know. AMCHA succeeded in having me labeled as an anti-Semite. My university administration played along.

On November 18, 2013, I walked to my car in its normal spot in an UCLA parking structure. Getting in, I noticed a slip of paper under my windshield wiper: "Expect to have an accident on the freeway, Israel hater!" (Department of Homeland Security Case Number: 43873924882). On December 5, 2013, I arrived at my home to find a note stuck in the door jam that read simply, "Jew Hater." On December 18, 2014, the online news source, *Times of Israel*, published a piece saying that I have hatred for Israel, that I advocate for the BDS in my classrooms, and that I am flagrantly abusing my faculty status and university resources. All three claims are untrue and lack a shred of evidence. If you were to do an internet search for my name, let's say that you were considering me for a TED Talk or a job or even a date: you would see among the results that I was embroiled in this issue pertaining to Israel and anti-Semitism. The internet does not forget things easily. These are but a very short list of the negative attacks against me.

To be sure, I also received meaningful signs of support. Colleagues, mostly privately, wrote emails of support. People from around the world, including many rabbis, wrote to me about the shame they felt toward organizations like AMCHA. Some important professional organizations came to my defense under the banner of academic freedom. I also received the support of students, including the students from that particular class, which struck a particularly reassuring chord. Glen Greenwald wrote a well-crafted piece in *Salon* about my case asking the obvious question: "what kind of person goes to college and demands to be shielded from political views that they dislike?"<sup>22</sup> Though, keep in mind that all I did was include a link to a website on a course content manager, without

ever raising the discussion of the website in class besides saying it was there online for them if they wanted to write their final paper on the BDS movement. I was thankful for all the support, but it felt like they were supporting my right to do something I never did, such as speak out about Israel's subjugation of Palestinians, theft of Palestinian land, and apartheid policies.

And of course lawyers reached out, eager to take my case that seemed pretty obvious from one of the more balanced reports of my situation, an *Electronic Intifada* interview.<sup>3</sup> The legal teams that were offering their support in 2012 and 2013 were interested in the issue but were unsure as to the particular type of offense. Was this a case of freedom of speech, academic freedom, or employment discrimination? While they varied in their approaches, all agreed that I would need to pay for their work or ask the American Civil Liberties Union (ACLU) or the National Lawyers Guild to help support the suit financially. They also agreed on another aspect of the case that I found particularly troubling. Were I to sue UCLA, I would possibly win a million or so; but would probably not be a professor there when all was said and done. Either UCLA would require my leaving in the settlement terms or I would be incredibly uncomfortable working among colleagues and staff who would have spent years in depositions, submitting their emails for review and perhaps in the center of a media circus. I was faced with a difficult decision. I could seek legal redress against Andrew Leuchter (possibly a pawn himself, as the review teams were discovering) and my administration. But any "fight against Zionism," as it could be portrayed, would most likely become what I was known for professionally in my life, at the expense of the research programs I spent decades working toward and that I loved. Not to mention the money it would cost me, or the way an aggressive defense team might spin me more so as an Israel hater or anti-Semite. Would my colleagues be deposed? Would the university look tarnished as much by my actions as those by some idiotic administrators? If so, then I would be as idiotic as them to prioritize financial gain over what was best for the institution.

I decided to work with a law firm that had success in a previous suit against UCLA, because they seemed to believe we could gain some recourse without ever filing suit. They thought we could pressure the university to make financial amends for my professional losses as an industry consultant as well as get a statement clearing me of any

accusations. Moreover, they felt we could get a statement from the administration affirming the importance of academic freedom. They also insisted that I continue going through the channels provided through the university itself for internal claims and grievances. These are the reviews to which I alluded in the introduction above. These committees require teams of faculty to research who did what and when. And these committees ran consecutively for three years. Is this what smart leadership wants its faculty working on, rather than their research?

Without going through the various processes of each review, by both the Academic Senate Committee for Academic Freedom as well as the Privilege and Tenure Committee (which investigates formal grievances), allow me to simply allude to the hours and hours of time these things take. Each review required my multiple statements, both written and taken at hearings. They also required statements, written and in person, by faculty and administration across campus who might provide helpful information. They required hours and hours of meeting times of the committee members themselves. Our administrators, supposedly business-wise, must think these are useful ways of spending our time and labor. In my case, the labor was valuable because they cleared my name across the board. While I did not receive any compensation, I have been vindicated in formal statements.

The first committee that reviewed my claims, the Committee on Academic Freedom, came to the following conclusions. First, the committee found that I violated no policy or procedure in my teaching of Palestinian rights, including providing the link to USACBI. Second, they reported that the Chair of the Academic Senate who reviewed my teaching at the behest of AMCHA acted outside his role as a faculty member. In other words, he did not represent the faculty or the administration. Third, they concluded that by handling the review with no committee oversight and by communicating directly to AMCHA, the chair threatened academic freedom of all faculty members. Their wording in the letter affirmed that faculty are not required to respond to outside political organizations and that a "review" should never have been started. Importantly, they also found that no student from the class ever actually complained, meaning the original complaint seemed to be wholly from a group external to the university.

And while these were great results for me personally, it was not within their purview as a committee on academic freedom to suggest any recourse. They could not ask that the administration do anything in particular. Leuchter would not be punished, and I would not be compensated for loss of consulting wages, nor provided any statement that I could publicly use for public relations purposes. That meant that organizations and media outlets could continually reprint AMCHA's claims, but I would lack any formal statement from the university to counter their false claims. For that reason, in 2014 I filed a formal grievance against the Chair of the Academic Senate, Andrew Leuchter. I would not have done so had any of the administrators empowered me with a letter from the university. I asked for such a letter from the Executive Vice Chancellor, Scott Waugh, as well as the Vice Chancellor of Academic Affairs, Carole Goldberg. Yet after this grievance investigation, we can see why these administrators did not want to support me: they were involved in covering up how the original AMCHA letter was handled.

Due to the interviews with my chair in 2014 by the Promotion and Tenure Committee that was investigating my charges against Leuchter, we learned that Carole Goldberg personally asked Leuchter not only to review my teaching and respond to AMCHA, but also that she told him and my chair exactly what the results of such a review were to be: that I was sorry and that I stated I would not do it again. Goldberg, who was once a professional confidante, had personally decided that the university should appease AMCHA. Goldberg coincidentally also visits Israel regularly and was recognized in 2015 by Hillel for her contributions to the Jewish community.<sup>4</sup> She is one of my university's administrators that have been charged with making wise decisions for the future of our campus.

Thankfully, in the summer of 2015, three years after the original incident, the Privilege and Tenure Committee affirmed several core issues. First, they agreed that my rights and privileges were violated. Second, that no class member filed the original complaint. Third, that the Senate Chair (Leuchter) relayed erroneous information. As a form of mediation, this committee then worked with Andrew Leuchter to obtain a signed letter of admission and an apology. And importantly, for me at least, they obtained a signed statement from the Executive Vice Chancellor Scott Waugh heralding the importance of academic

freedom at UCLA and admitting that any claims about my teaching were baseless.

The Privilege and Tenure committee affirms that your rights and privileges as a member of the Senate were violated by a failure to follow established Senate procedures for responding to a complaint ... "no evidence was provided" that you violated the standards of scholarly inquiry and professional ethics.

I am not walking away from this matter unscathed, publicly or financially compensated from a lawsuit. I am, however, full professor in a profession I care about deeply. I am gifted with some of the best students a teacher could ever ask for. I have proven to my administration that I will not lightly be taken advantage of for their political and financial gain. And I have secured statements that should strengthen faculty resolve across this campus and others; particularly that academic freedom is central to the aims of any college worth its tuition. I have also become much more aware of the ways that right-wing organizations are attempting to silence the speech that they find disruptive to their colonial, imperial, and capitalist projects. One of the ways, clearly, is to write complaints that we teachers are using state (and thus taxpayer) funds to indoctrinate the youth to our devious leftist plots. And while I may expect certain groups to believe these claims, I expect more from the campus administrators who get paid quite well to make intelligent decisions shaping the direction of our universities.

I have written it in my grievance letters and have said it in my meetings with administrators: our time is one of our most precious resources as faculty members. As teachers, our time should be on teaching. As researchers, we have our positions to research. For many of us, we struggle to balance both of those and an ever-growing amount of service work to our departments, campuses, and professional organizations. The hours I spent collecting documents about my teaching, talking to reporters, responding to inaccurate news stories, essentially defending myself, these hours had to come out of some aspect of my primary work. Usually, I took it out of my weekend and sleep time, but of course it ultimately came out of my research and teaching time as well. We should be making the case clearly that organizations such as AMCHA wrote one ignorant letter about my teaching over three years ago. Not due to

that letter, but due to what my campus administrators decided to do with it, countless hours have been lost by me, other faculty, students, committees, and administrators. And we all should heed the reminder by the investigating committees: universities are not required to respond to any piece of mail that lands on our desks. In this case, a couple of idiots at AMCHA convinced a couple of supposed "leaders" on my campus to leave Team Mean and join them on Team Stupid. Hanlon's Razor cuts deeper than Occam's Razor. It makes you wonder who the real idiots are when AMCHA's letter probably took ten minutes to write. If not for academic freedom, if not for critical thinking, if not for moral and just causes, then ignoring these Zionist organizations will at least serve our ability to work more effectively as teachers and researchers. But will our administrators be as wise?

Because we are inundated with so many cases across the country where universities throw intellectual integrity under the bus, this volume makes an important contribution to the redirecting of the slow, large vessels that are modern colleges. Our individual stories attest not only to the foibles of administrators, but to the persistence necessary to avoid the corporatization of our academic institutions. If I cannot be a signer of a petition or signer to a cause while also teaching topics related to those causes, then as a society we are asking some of the most informed voices not to speak on the issues within their areas of research. No biologist or environmental studies professor could support efforts to fight global warming. No zoologist could speak up against lab animal testing. No political science professor could speak about campaign finance reform. That a few of the administrators on my campus thought otherwise demonstrates not that they were mean, but that they were unreasonable, literally lacking reason/logic. Never assign to malice what is understandable as idiocy.

### Notes

1. Editors' note: The AMCHA Initiative is a Zionist organization based in California that collaborates with other Zionist individuals and groups to suppress speech critical of Israel on university campuses across the United States. Its central tactic is to label any and all critical statements or questions about the Israeli state as "anti-Semitic."

2. G. Greenwald, "UCLA Professor Warned About Israel Views," *Salon.com*, April 24 (2012), [www.salon.com/2012/04/24/ucla\\_professor\\_warned\\_about\\_israel\\_views/](http://www.salon.com/2012/04/24/ucla_professor_warned_about_israel_views/).
3. N. Barrows-Friedman, "LA Professor 'Wakes Up to Hate Mail' for Linking to Anti-Zionist Material," *ElectronicIntifada.net*, August 1 (2012), <https://electronicintifada.net/content/la-professor-wakes-hate-mail-linking-anti-zionist-material/11547>.
4. The video produced by Hillel to honor Goldberg is available on YouTube at <https://www.youtube.com/watch?v=RtZYFIWmrK4>.

# We Will Not Be Silenced

The Academic Repression  
of Israel's Critics

Edited by  
William I. Robinson and Maryam S. Griffin



**Pluto Press**  
[www.plutobooks.com](http://www.plutobooks.com)



First published 2017 by Pluto Press  
345 Archway Road, London N6 5AA

www.plutobooks.com

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British Library Cataloguing in Publication Data  
A catalogue record for this book is available from the British Library

ISBN 978 0 7453 9947 8 Hardback  
ISBN 978 0 7453 9946 1 Paperback  
ISBN 978 1 7868 0041 1 PDF eBook  
ISBN 978 1 7868 0043 5 Kindle eBook  
ISBN 978 1 7868 0042 8 EPUB eBook

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental standards of the country of origin.

Typeset by Stanford DTP Services, Northampton, England

Printed in the United Kingdom

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