



13 June, 2023

Deborah Enix-Ross
President, American Bar Association
C/- ABA
321 North Clark Street
Chicago, IL 60654

Dear Ms. Enix-Ross,

We write this letter to you on behalf of the [National Jewish Advocacy Center](#), [The International Legal Forum](#) and the [American Association of Jewish Lawyers and Jurists](#), with our collective organizations representing over 10,000 attorneys, who are also deeply committed to combatting antisemitism and anti-Jewish hatred in all of its unlawful manifestations.

We wish to address a concerning issue related to the disturbing [commencement day speech](#) given by Ms. Fatima Mousa Mohammed at the City University of New York (CUNY) School of Law on May 12, 2023, and specifically, to request an investigation into CUNY Law School for ongoing and systematic violation of ABA Standards and principles, in permitting, enabling and even encouraging such vehement racial hatred and antisemitism.

BACKGROUND

In her commencement day speech, which was rife with unadulterated antisemitism, racial hatred and inflammatory language, Ms. Mohammed equated Zionism (Jewish people's right to self-determination) with racism and white supremacy, falsely accused Israel of indiscriminately targeting Palestinians, as well as expressed support for the discriminatory boycott, divestment and sanctions (BDS) movement against Israel and invoked antisemitic tropes about Jewish "investors" and "donors". This aside from her rants against the American military, the police, and the American system of law, generally.

Ms. Mohammad's disturbing speech, which was approved in advance by CUNY Law School and loudly applauded by school officials, including Dean Sudha Setty, garnered [widespread condemnation](#) from federal, state, and local lawmakers, as well as civil society leaders and the Jewish community.

Rep. Mike Lawler (R-NY), has already [introduced a bill](#) before Congress to remove funding from public universities, such as CUNY, that promote antisemitism, and Rep. Josh Gottheimer (D-NJ) has called on the Office for Civil Rights to initiate a [Title VI investigation](#) of CUNY Law School (there are several related Title VI complaints against CUNY already pending). That investigation would ask the Department of Education to reconsider CUNY's eligibility for federal funding, on the basis that the school has "clearly fostered an atmosphere that allows the discrimination against and vilification of Jewish students to go unchecked." New York Mayor Eric Adams also condemned the speech due to its extremist rhetoric, divisive nature and explicit display of antisemitism.

Whilst we acknowledge that the CUNY Board of Trustees and CUNY Chancellor Félix V. Matos Rodríguez eventually [denounced](#) the “hate speech” in Ms. Mohammed’s address and deemed it “unacceptable,” their response was, quite frankly, not only late but also grossly inadequate.

The fact of the matter is, Ms. Mohammad’s speech did not occur in a vacuum and was not an isolated incident. That her remarks were [reviewed and pre-approved](#) by CUNY Law School, only underscores that the school has cultivated a deliberate and dangerous staging ground for the systematic promotion of antisemitism, BDS activities and anti-Zionism, in which Jewish students, faculty and staff are relentlessly harassed, discriminated against and targeted with racial hatred.

On May 12, 2022, the CUNY Law School [unanimously passed](#) a resolution in support of the racist and discriminatory BDS campaign against Israel, becoming the only law school in the country to formally do so. The school has also repeatedly hosted speakers who express virulently anti-Israel and antisemitic sentiments. Students are even getting [academic credit](#) for watching anti-Israel films. [Posters](#) are displayed on the walls of BMCC titled “Visual Timeline of Occupied Palestinian Land.” The exhibit featured strong language, stating that the Israeli-Palestinian dispute did not arise from a conventional conflict but instead pointed to Israeli “settler colonialism, military occupation, land theft, and ethnic cleansing” as the only party responsible for the conflict. This exhibit can be considered indoctrination due to its use of charged language and one-sided presentation.

Chants of “Zionists not welcome” are commonly directed against Jewish students, many of whom have said they do not feel safe on campus anymore. Some Zionist students have been literally [harassed out of law school](#). Moreover, allegations of attempting to remove Jewish educators from [senior leadership positions](#) suggest deliberately targeting individuals based on their Jewish identity.

Regrettably, it is disheartening to observe that over time, CUNY Law School has veered far from its once esteemed status as a reputable institution for legal education. Instead, it has evolved into a highly politicized arena that actively propagates and disseminates antisemitic propaganda, thereby nurturing and perpetuating a climate of pernicious hatred and fostering discriminatory actions specifically targeted towards Jews. This shift has not only compromised the integrity of the institution but also undermines its fundamental purpose of fostering unbiased legal learning and fostering an environment of inclusivity and respect for all individuals.

It also stands in stark opposition to both state and federal regulations. According to New York State, [Executive Order 157](#) “no State agency or authority engages in or promotes any investment activity that would further the harmful and discriminatory Palestinian-backed Boycotts, Divestment and Sanctions (BDS) campaign in New York State. In response to the CUNY School of Law’s endorsement of the BDS campaign, the [NY State Division of Human Rights](#) initiated an investigation in February 2023 to determine whether the school had discriminated against Jews when its faculty council passed the aforementioned resolution supporting the BDS campaign targeting Israel.

In formally adopting BDS as an official policy, CUNY Law School may also be in direct violation of its federal status as a 501(c)(3) non-profit entity, which prohibits engaging in substantial political or lobbying activities. Furthermore, the New York City Council has already withdrawn funding from CUNY Law School due to its support of the BDS resolution. As [Councilwoman Inna Vernikov](#) astutely pointed out “it seems as if antisemitism is the only politically acceptable form of racism which exists. We must stop handing out free passes to anti-Semites like candy.”

CUNY’s clearly identifiable pattern of hosting speakers who express anti-Israel sentiments or criticize Israeli policies reveals a systematic effort to influence public opinion and shape political discourse. By repeatedly inviting and supporting such speakers, CUNY actively promotes a particular viewpoint that aligns with the BDS movement. When considered in aggregate, these activities form a substantial part of CUNY’s overall operations.

Beyond the invitation of problematic speakers, there are posters that are hung around the schools in order to incite students to take action against Israel. Students are even getting [academic credit](#) for watching anti-Israel films. This is a part of the curriculum and educational environment now.

Moreover, the allegations of attempting to remove Jewish educators from senior leadership positions suggest deliberately targeting individuals based on their Jewish identity. If proven true, these actions demonstrate a clear bias against a particular religious or ethnic group and indicate a coordinated effort to influence decision-making processes within CUNY. Such targeted actions indicate lobbying activities to advance a specific antisemitic agenda.

It is evident that CUNY's pro-BDS (Boycott, Divestment, and Sanctions) stance and its propagation of antisemitic views are in direct conflict with public policy and EO 157. The United States has consistently opposed discriminatory boycotts against Israel, deeming such practices deeply offensive to our national morality. This opposition is reflected in various anti-boycott regulations, including those outlined in the 1977 Export Administration Act, the Ribicoff Amendment to the 1976 Tax Reform Act, and the Trade Facilitation and Trade Enforcement Act. Violation of these regulations can result in significant administrative costs and potential criminal penalties in both state and federal courts.

Since President Carter signed the anti-boycott amendments in 1977, every administration and Congress in the United States has reaffirmed their commitment to opposing BDS. Even in today's politically polarized climate, opposition to the BDS movement transcends party lines, with both the Republican and Democratic parties consistently denouncing BDS in their platforms. This bipartisan consensus was further emphasized in 2017 when the governors of all fifty states collectively expressed their opposition to BDS, highlighting that its goals are antithetical to their states' values. The single-minded focus on the Jewish state by the BDS movement raises legitimate concerns about its motivations and intentions, underscoring the need to address its problematic nature.

Considering these factors, it becomes increasingly evident that CUNY's alignment with BDS and promotion of antisemitic ideologies contradict not only the institution's own integrity but also established public policy and the widely held values of our nation.

Furthermore, there has been a substantial body of evidence indicating incontrovertible [ties](#) between the BDS movement and U.S. designated terrorist groups, such as [Hamas](#) and the [Popular Front for the Liberation of Palestine](#). There is also [mounting evidence](#) that BDS groups in the United States have become a front for terrorist organizations, while many convicted terrorists hold senior leadership positions in the global BDS Movement, seeking to use their global network in order to advance their agenda to incite violence and pursue the destruction of the State of Israel. See further information [here](#) and [here](#). Public universities, as institutions funded by taxpayers and entrusted with the responsibility of nurturing an inclusive and intellectually diverse environment, should uphold public policy and avoid endorsing a movement that undermines the values of equality, fairness, and respect/

Finally, it is worth noting that it is not only Jewish people and the Jewish State that CUNY Law has targeted; as Mohammed explained in her speech, she specifically chose CUNY law because it was created "to recognize that the law is a manifestation of White supremacy that continues to oppress and suppress people in this nation and around the world." She urged the audience, with the law school's permission and with the faculty literally cheering their encouragement, to revolt against the law, support actual convicted terrorists, and confront the "systems of oppression created to feed an empire with a ravenous appetite for destruction and violence. Institutions created to intimidate, bully, and censor and stifle the voices of those who resist," or as we know it, the American legal system.

VIOLATION OF ABA RESOLUTION 514 - ANTISEMITISM

During the ABA Mid-Year Meeting on 6 February 2013, the ABA unanimously adopted [Resolution 514](#).

The resolution states as one of the primary objectives that “the American Bar Association should take a leadership role in opposing antisemitism”, including to “[c]ondemn all antisemitic attitudes and actions, whether intentionally discriminatory or that have the effect of being discriminatory”, as well as “[e]ncourage laws, policies and training that build the capacity of the legal community, government agencies and officials, law enforcement and the public at large to research, understand and counter antisemitism.”

In view of CUNY Law School having become a hotbed of relentless antisemitism and Jew hatred, the actions of the school are in clear violation of Resolution 514 and we therefore call on ABA leadership to conduct a comprehensive investigation.

VIOLATIONS OF ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS

According to the [ABA 2022-2023 Standards for Approval of Law Schools](#), CUNY Law School is in grave on-going violation of its commitments, that ought to bring into question their continued accreditation by the ABA.

Standard 105 - Acquiescence for Substantive Change in Program or Structure

According to Standard 105, “Before a law school makes a substantive change in its program of legal education or organizational structure, it shall obtain the acquiescence of the Council for the change.”

A ‘substantive change’ in program or structure that requires application for acquiescence includes “A significant change in the mission or objectives of the law school.”

We respectfully contend that CUNY Law School’s very public adoption of BDS as a core component of its mission constitutes a substantive change in their mission or objectives. Furthermore, in the event the Law School failed to obtain the prior acquiescence of the Council for the change, it will be in violation of Standard 105.

Standard 205 – Non-Discrimination and Equality of Opportunity

According to Standard 205, “A law school shall adopt, publish, and adhere to policies that foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.”

In repeatedly demonizing, attacking and vilifying Jewish students and faculty, including those who identify as ‘Zionist’, or failing to act in response to instances of such harassment, CUNY Law School is discriminating on the basis of race, ethnicity, religion and national origin.

It should be noteworthy here, that Zionism, which is Jewish people’s right to self-determination, is considered by the vast, overwhelming number of Jews, as an indispensable, inherent and core element of their Judaism. For the vast majority of Jewish people across time and space, Zionism is and always has been an integral part of their Jewish, often their religious, identities. It is also clear that anti-Zionist discrimination functions as anti-Jewish discrimination from an objective legal perspective, under a disparate impact analysis. That measure ignores motivation and looks rather at the discriminatory effect of a given action or policy. A recent Gallup [poll](#) found that 95% of Americans Jews support Israel – which, is the definition of Zionism that tends to get Jewish students and Jewish groups harassed at CUNY – even as they may disapprove of some or all Israeli policies. The research

also shows that religion plays an important part in those beliefs, but even if that part was not so clear, if in practice a policy has the effect of excluding or demonizing 95% of a group based on their shared ethnic beliefs, “then it should be obvious that you are discriminating against that group and their beliefs.”

Furthermore, the BDS campaign against Israel, which the CUNY Law School has formally adopted as key a part of its mission, clearly singles out and discriminates against the State of Israel, and by extension those who support it, including in applying differential treatment, double standards and opprobrium.

Accordingly, CUNY Law School is also in violation of ABA Standard 205.

CONCLUSION

It is an indisputable fact that antisemitic incidents have reached a [record high](#) in the United States today. As President Biden recently said, “silence is complicity” in the face of antisemitism. Given the overwhelming evidence of the pernicious and institutional antisemitism and anti-Jewish hatred prevalent at CUNY Law School, ABA, as guardians of legal justice and the rule of law, simply cannot remain silent.

Accordingly, based on the aforementioned reasons, including CUNY Law School’s systematic and ongoing violation of ABA standards, rules and procedures, by creating a hotbed of antisemitic behavior and an environment inherently hostile to Jewish students and faculty, we call on the ABA to unequivocally condemn the 12 May antisemitic hate speech by Ms. Mohammed and launch an immediate investigation to determine whether CUNY Law School’s formal accreditation ought to be revoked.

Should your office require additional information regarding these matters, we are more than willing to provide it.

Your sincerely,



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