June 6, 2023

The Honorable Catherine Lhamon
Assistant Secretary
Office for Civil Rights
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Assistant Secretary Lhamon:

I am writing to call attention to yet another example of campus antisemitism, hate speech, and vitriolic anti-Israel rhetoric. Last month, an anti-Israel activist delivered a hateful, dangerous, and antisemitic speech at the City University of New York’s (CUNY) Law School commencement ceremony. I am appalled by the persistent attacks against Jewish and pro-Israel students that have emanated from CUNY recently, including this speech, and I urge your office to investigate whether these incidents and CUNY’s administration’s response, or lack thereof, constitute a violation of Title VI of the Civil Rights Act of 1964 (Title VI) jeopardizing the school’s eligibility for federal funding.

The Department of Education (the Department) has a solemn obligation to enforce Title VI and Executive Order 13899 to protect Jewish students against antisemitism. As a recipient of federal financial assistance, CUNY Law School is subject to these laws and regulations. While Title VI does not cover discrimination based on religion, we know that “individuals who face discrimination on the basis of race, color, or national origin do not lose protection under Title VI for also being a member of a group that shares common religious practices.” As such, “[d]iscrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual’s race, color, or national origin.” Guidance put out by the Department clearly explains that the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism should be applied when analyzing instances of antisemitism. It also

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1 Exec. Order No 13899
2 Id.
includes as an example of a violation “denying the Jewish people their right to self-
determination, by claiming that the existence of a State of Israel is a racist endeavor.”

The CUNY Law School Administration has clearly fostered an atmosphere that allows the
discrimination against and vilification of Jewish students to go unchecked. They have failed to
adequately respond to repeated pleas from current students, faculty, and the community to fix
this atmosphere of hatred. For the second year in a row, CUNY Law School’s graduation speaker
dedicated their address to attacking Israel and Zionism. This year, the speaker repeatedly
invoked anti-Israel propaganda, linking Israel to colonialism, oppression, racism, and even white
supremacy. Peddling antisemitic tropes, the speaker also referred to “investors” and “donors”
who fought back against antisemitic incidents and blamed those same “donors” for allegedly
controlling school policy. The speaker also made multiple references to “Zionists,” rather than
Jews, using an antisemitic dog whistle to normalize this type of egregious discrimination.

Unfortunately, the CUNY system is no stranger to pernicious antisemitism. This incident is just
the latest in a long list of hostile attacks against Jewish students on CUNY’s campuses. Last
year, CUNY Law School’s Student Government Association passed a resolution supporting the
BDS movement that was endorsed by the school’s official faculty association. The resolution
demanded CUNY sever educational exchange programs with Israel and accused the school of
being “directly complicit in apartheid, genocide, and war crimes perpetrated by the Jewish
State.” Students across the CUNY system have also been known to frequently chant “Zionists
out of CUNY” at rallies and public events, and students and faculty have been made to feel
unsafe for being “visibly” Jewish.

As antisemitic incidents rise across the United States, the Department must act swiftly to protect
the Jewish community. Recent trends show that now, more than ever, there is widespread
proliferation of anti-Jewish tropes and Israel-focused antisemitism. We must not turn a blind eye
to antisemitism masquerading as anti-Israel sentiment, and the situation at CUNY is but one
example of pervasive anti-Israelism designed to stoke hatred.

3 Department of Education, Office for Civil Rights, Questions and Answers on Executive Order 13899 (Combating
Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (January 19, 2021).
4 CUNY graduate slammed over anti-Israel, antisemitic remarks, The Jerusalem Post | JPost.com (2023),
5 Jacob Henry, “Hate Speech”: CUNY Chancellor Condemns Anti-Israel Law School Graduation Speech
condemns-anti-israel-law-school-graduation-speech/00000188-70e1-d9d1-ab89-f5fbb1990000 (last visited Jun 1,
2023).
6 Id.
content/uploads/sites/5/2021/12/BDS-Resolution-
11.29.21.pdf?utm_source=mailpoet&utm_medium=email&utm_campaign=join-us-for-bds-monitor-live-on-
tuesday-march-24-at-12-00-pm-est_21 (last visited Jun 1, 2023)
8 Corky Siemaszko, Anti-Semitic incidents on college campuses on the rise: ADL NBCNews.com (2016),
1, 2023).
9 Anti-Defamation League, Audit of Antisemitic Incidents 2022 (2023), https://www.adl.org/resources/report/audit-
antisemitic-incidents-2022 (last visited Jun 1, 2023).
Students deserve to feel safe on their campuses. I ask that the Department and OCR review CUNY’s violations of Title VI to discern whether they have forfeited their right to receive federal funding. Thank you for your ongoing work on this pressing matter and your responsiveness to this request. I look forward to continuing working with you and the Department of Education to support student safety in and out of the classroom.

Sincerely,

Josh Gottheimer
MEMBER OF CONGRESS