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PROBLEM SOLVERS CAUCUS
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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."¹ 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."² 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

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.”³

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.⁴ 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.⁵ The speaker also made multiple references to “Zionists,” rather than Jews, using an antisemitic dog whistle to normalize this type of egregious discrimination.⁶

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.”⁷ 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.⁸

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.⁹ 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), <https://www.jpost.com/diaspora/antisemitism/article-744639> (last visited Jun 1, 2023).

⁵ Jacob Henry, “Hate Speech”: CUNY Chancellor Condemns Anti-Israel Law School Graduation Speech Haaretz.com (2023), <https://www.haaretz.com/us-news/2023-05-31/ty-article/hate-speech-cuny-chancellor-condemns-anti-israel-law-school-graduation-speech/00000188-70e1-d9d1-ab89-f5fbb1990000> (last visited Jun 1, 2023).

⁶ Id.

⁷ CUNY Law School Student Government Resolution, (2021). https://spme.org/wp-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), <https://www.nbcnews.com/news/us-news/anti-semitic-incidents-college-campuses-rise-adl-n596966> (last visited Jun 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,

A handwritten signature in black ink, appearing to read "J. Gottheimer". The signature is stylized with a large initial "J" and a cursive "Gottheimer".

Josh Gottheimer
MEMBER OF CONGRESS