



Chancellor Félix V. Matos Rodríguez  
205 East 42nd Street  
New York, NY 10017  
[chancellor@cuny.edu](mailto:chancellor@cuny.edu)

June 13, 2023

Dear Chancellor Rodríguez and members of the CUNY Board of Trustees:

We, the undersigned civil and human rights organizations, write to raise serious concerns that the university's response to the May 12 commencement address by graduating CUNY Law 3L Fatima Mohammed may run afoul of the school's First Amendment obligations as well as New York state law and federal anti-discrimination laws. We call on you to retract the May 30 *Statement from the Board of Trustees and Chancellor of the City University of New York* ([May 30<sup>th</sup> Statement](#)) condemning as "hate speech" Ms. Mohammed's principled and constitutionally protected words,

publicly apologize to Ms. Mohammed and her peers, and take immediate steps to remedy the damage caused by the administration's efforts to censor and chill speech of faculty, students and staff who dare to speak out against government abuses wherever they take place.

Fatima Mohammed, a first generation 24-year-old Yemeni-American Muslim member of the CUNY Law Class of 2023, was elected by her peers to give a commencement address. During the May 12 ceremony, Ms. Mohammed delivered a powerful [speech](#) to great applause, celebrating her peers for living up to CUNY Law's mission and tradition of radical lawyering in the service of oppressed and marginalized communities. Mohammed highlighted injustices experienced by Black and brown communities in the U.S. at the hands of the police and surveillance state as well as the harms experienced by Palestinians as a result of Israeli settler colonialism. Mohammed shared her pride in student and faculty organizing and their embrace of BDS in support of Palestinian rights at CUNY Law, noting that "Palestine can no longer be the exception to our pursuit of justice." Yet, CUNY's May 30<sup>th</sup> Statement demonstrates that advocacy for Palestinian rights—and dissent from political orthodoxies more generally—remains exceptional and unacceptable to the chancellor and the Board of Trustees.

Ms. Mohammed's speech had been reviewed and approved by the law school dean's office in advance as part of an apparently new policy as a condition of her speaking. In an April 28 email, CUNY Law administrators told Mohammed that "all student speeches need to be approved by the dean's office in order to be used at graduation. Speeches that are not approved... will mean that you void your ability to give an address at commencement." This new policy appeared to be implemented after anti-Palestinian groups lobbied CUNY in protest after a Palestinian activist spoke at last year's commencement, also in support of Palestinian rights. The law school's approval of Ms. Mohammed's remarks makes CUNY's response following the commencement even more troubling.

Following her speech supporting Palestinian equality and justice for all, Ms. Mohammed has become the target of a widespread harassment campaign exacerbated by public officials. Powerful politicians ranging from members of Congress to state lawmakers and the mayor of the City of New York have attacked Ms. Mohammed on social media, deploying rightwing talking points on Israel and Islamophobic tropes. She has been the target of smears in rightwing media outlets and has faced a [barrage](#) of racist, anti-Palestinian, Islamophobic online harassment, and even threats. The vitriol unleashed in the wake of these attacks by powerful public figures has turned what should have been a celebratory and proud moment for Ms. Mohammed into a fearful, anxious and uncertain one instead.

Rather than stepping in to defend or protect a member of the CUNY community from harassment and threats, the university instead joined the attack, condemning Ms. Mohammed's remarks. The May 30<sup>th</sup> Statement issued by the chancellor and Board of Trustees stated that "[hate] speech . . . should not be confused with free speech," asserting that Ms. Mohammed's remarks "fall into the category of hate speech as they were a public expression of hate toward people and communities based on their religion, race or political affiliation." The May 30<sup>th</sup> Statement was [reissued](#) on June 1 signed by the individual trustees.

This is a dangerous, inaccurate and arguably defamatory statement that infringes on Ms. Mohammed's rights as well as the rights of others in the CUNY community, opening Ms. Mohammed up to further harassment and attacks.

Ms. Mohammed's remarks were incontrovertibly First Amendment protected speech. Criticism of states and government actions is political expression, which the Supreme Court has affirmed "has always rested on the highest rung of the hierarchy of First Amendment values." *F.C.C. v. League of Women Voters of California*, 468 U.S. 364, 381 (1984). Leading human rights organizations have raised similar concerns about the injustices [experienced by Palestinians, refugees](#) and [asylum seekers](#) and [Black](#) and brown [communities](#) in the US, reaching similar conclusions about the complicity of state actors in the US and in Israel.

Condemning Ms. Mohammed's substantive criticisms as "hate speech" is an affront to Ms. Mohammed as well as all of those engaged in challenging these injustices—including her educators, peers and loved ones who applauded her remarks. There is nothing in Ms. Mohammed's remarks that could be construed as an expression of hate toward a protected class. The May 30<sup>th</sup> Statement's assertion that "political affiliation" is a protected class is not supported by federal or New York law, let alone CUNY policy. Attempts to equate criticism of Israel with anti-Jewish hate and to turn the political ideology Zionism into a protected class are part of a discredited and oft-used tactic to silence students, scholars and community advocates who speak about Palestinian rights. These false accusations are weaponized especially against Palestinian, Arab and Muslim students, who are frequently and falsely smeared as antisemitic solely for their speech in support of Palestinian rights—accusations that are often imbued with anti-Palestinian racism and Islamophobic stereotypes. [Civil](#) and human [rights](#) groups, [legal](#) scholars and major [newspaper editorial boards](#) have all raised serious concerns about this conflation of criticism of Israel with antisemitism.

CUNY's May 30<sup>th</sup> Statement joins this campaign to silence and punish Palestinian students and allies that support their humanity and equality, abdicating the traditional role of universities to promote free expression and encourage challenges to orthodoxies prevalent in official political discourse.

Given that CUNY is a public institution, the statement also constitutes unconstitutional retaliation. As a public university, CUNY is prohibited from infringing on fundamental free speech rights. Ms. Mohammed's speech was undoubtedly protected under the First Amendment. The May 30<sup>th</sup> Statement, which was issued as a direct result of Ms. Mohammed's protected expression, would deter (and was intended to deter) "a person of ordinary firmness" from continuing to engage in speech or conduct supporting Palestinian human rights—particularly considering the vitriol and harassment against Ms. Mohammed it helped enflame.

Not only does the May 30<sup>th</sup> Statement violate CUNY's First Amendment obligations as a public university, it also raises concerns under Title VI of the Civil Rights Act of 1964. The May 30<sup>th</sup> Statement is evidence that CUNY not only failed to address the anti-Arab, anti-Palestinian and Islamophobic harassment Ms. Mohammed was experiencing, but actively contributed to it by suggesting that it is unlawful or prohibited to say that Palestinians exist as a people in equality with other people. CUNY's May 30<sup>th</sup> Statement incited additional online harassment and attacks

against Ms. Mohammed, compounding the harm caused by the smear campaigns led by public officials and anti-Palestinian groups.

Ms. Mohammed has and continues to suffer cognizable harms as a result of CUNY's actions. At a time when she is meant to be studying for the bar exam, Ms. Mohammed instead has faced a maelstrom of threats and accusations. She and her family have been hounded by rightwing news outlets. The anxiety and stress caused by these online attacks and the complete lack of support from her institution, as evidenced in the May 30<sup>th</sup> Statement, have had understandably devastating impacts on Ms. Mohammed. She and her reputation continue to suffer harm following CUNY's May 30<sup>th</sup> Statement. For example, a New York City councilmember and rightwing anti-Palestinian organization have called on the Character and Fitness committees of the New York courts to find Ms. Mohammed unfit to practice law and deny her admission to the bar. These efforts would deny her livelihood based on the same mischaracterization of the law and school policy reflected in the May 30<sup>th</sup> Statement.

CUNY's failure to protect and support Ms. Mohammed following a commencement address approved by CUNY is part of a broader pattern of [censoring criticism](#) of Israel's policies and [discriminating](#) against Palestinian students, [speakers](#) and alumni across CUNY campuses. Over the past decade, anti-Palestinian groups and [politicians](#) have disingenuously accused [students](#), professors and [speakers](#) of [antisemitism](#) for speech in support of Palestinian rights, prompting [investigations](#) that have [ultimately cleared](#) Palestine advocates of wrongdoing. These attacks against Mohammed are part of widespread harassment campaigns to shut down criticism of Israel by attacking Palestinians and their supporters.

These acts of censorship and discrimination against Palestinians and their allies should be the focus of CUNY's condemnation, not the principled and protected speech in support of justice and freedom for all offered by Ms. Mohammed.

We call on CUNY to do the following:

1. Retract the May 30<sup>th</sup> statement (and the June 1 reissue).
2. Issue a public apology to Ms. Mohammed and her peers in the Class of 2023, stating that nothing in Ms. Mohammed's speech was hate speech or raises concerns about her character and fitness, and issue a statement condemning anti-Palestinian racism and discrimination.
3. End discriminatory treatment of Palestinian (or perceived Palestinian) groups, students, faculty or staff and their allies who advocate for their equal treatment.
4. Recognize that opposition to the political ideology of Zionism is a stance for Palestinian equality, justice and freedom and hold mandatory trainings on anti-Palestinian discrimination.

5. Refuse to adopt, enforce or rely on the International Holocaust Remembrance Alliance Working Definition (IHRA) or its contemporary examples to identify or combat antisemitism.

We request a substantive response to this letter by COB June 16, 2023.

Signed,



Meera Shah  
Senior Staff Attorney  
Palestine Legal



Maria LaHood  
Deputy Legal Director  
Center for Constitutional Rights

on behalf of

Arab American Anti-Discrimination Committee (ADC)  
Center for Constitutional Rights  
Civil Liberties Defense Center  
Community Justice Project  
Council on American Islamic Relations - NY (CAIR-NY)  
Defending Rights and Dissent  
Law for Black Lives  
Muslim Advocates  
Muslim Bar Association of New York  
National Lawyers Guild  
Palestine Legal  
Partnership for Civil Justice  
Project South  
Water Protectors Legal Collective

cc:

Gayle M. Horwitz, Senior Advisor to the Chancellor and Secretary of the Board  
Sudha Setty, Dean, CUNY School of Law