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American Bar Association

ABA Council on Legal Education

1050 Connecticut Ave. N.W. Suite 400

Washington, D.C. 20036

June 27, 2022

Re: CUNY School of Law BDS Policy Violates the ABA Standards for Approval of Law Schools

To the ABA Council on Legal Education:

We write on behalf of Jewish Zionists, Israelis, and other students and faculty members across the City University of New York (CUNY), including at CUNY School of Law ("CUNY Law"), who are deeply concerned with the law school's recent unanimous faculty adoption of a formal [BDS policy](#) that vulgarly and blatantly discriminates against students, prospective students, faculty and employees, and prospective faculty and employees on the basis of ethnicity, religion, and nationality. We believe that the adopted BDS policy also violates well-established principles of academic freedom. As detailed below, we submit that CUNY School of Law's newly adopted BDS policy is discriminatory and blatantly flouts the accreditation requirements set forth in the [ABA Standards for Approval of Law Schools](#). We urge the ABA Council on Legal Education (the "Council") to take immediate action to bring the law school into compliance or to revoke its accreditation.

Background

On May 12, 2022, the faculty of CUNY Law [unanimously adopted](#) as institutional policy a [BDS resolution](#) previously passed by the school's student government. The resolution targets Israeli and Zionist CUNY students and faculty members, some even with links to their name and other identifying information. The adopted resolution even goes so far as to endorse boycott and elimination of Hillel, the most popular Jewish cultural student club within CUNY, with a universally welcome presence on [over 850 colleges campuses](#) throughout the U.S. It further endorses the elimination of Jewish student exchange programs and faculty fellowships with any connection to Israel. In addition, the adopted BDS policy targets all Zionist students and faculty members at CUNY having any connection with Israel. It institutionalizes an academic boycott of Israeli universities, Israeli scholars, and any other scholars who engage in research and publication with Israeli institutions or Israeli scholars.

CUNY Law's BDS policy adoption further calls for boycott and divestment of the following companies which, it claims, are somehow complicit in "war crimes" and other atrocities, by virtue of having had any connection to, worked in any way with, or done any business with an Israeli business, an Israeli individual, or with the State of Israel: Boeing, General Electric, Lockheed Martin, Northrop Grumman, Raytheon, Hewlett-Packard Enterprise, G4S, Motorola Solutions, Caterpillar,

Cemex, Dell, IBM, HP, Lenovo, Cisco, BMC Software, BioCatch, Sabra, and PepsiCo (for the apparent crime of selling Cola to Israelis).

Disturbingly, CUNY Law's BDS policy adoption even condemns and puerilely demands boycott of the NYPD, the Department of Homeland Security, and, most bizarrely of all, of both legal research service providers used by CUNY Law students and CUNY Law faculty members: Reed Elsevier/RELX (LexisNexis) for providing data to U.S. law enforcement and Thomson Reuters (Westlaw) for reasons that are never explained. How faculty and students are now to conduct legal research at CUNY Law is also never explained. The NYPD has long provided heroic [protection](#) to CUNY campuses around New York City and [works with](#) CUNY Public Safety to keep campuses safe. Many CUNY graduates have served in the NYPD. Some have [given their lives](#) in the line of duty. Nevertheless, CUNY Law-- an accredited *law* school-- now *officially* refuses to deal with its city's own law enforcement agency.

CUNY Law's BDS Policy is Discriminatory

It is clear from the intense bigotry and hate disseminated in the BDS policy resolution that Zionist students and faculty members are not welcome to work with, attend, or work for CUNY Law. If one has donated to a Jewish charity with a connection to Israel, the language of the adopted BDS policy makes clear that the donor is subject to the boycott. Similarly, if one were to bury a relative in Israel (the final wish of many Jews), this would be considered "doing business" with Israel, and the mourner would be subject to the boycott. The boycott would also apply to an individual that attends a synagogue which sponsors a trip for its Jewish congregants to Israel.

Outrageously, the resolution goes so far as to defame and target for attack specific ***individual*** Jewish CUNY students and faculty members that appear to be Israeli or Zionist. The rambling language of the resolution viciously links to [this Jewish CUNY Student](#), and to [this CUNY faculty member](#), for the apparent crime of having been born in Israel.

CUNY Law's faculty adoption of BDS policy as institutional policy propels the school well outside of compliance with the following ABA Standards for Approval of Law Schools:

Violation of Standard 105: Acquiescence For Substantive Change in Program Or Structure

Standard 105, Section 11 requires a law school making "a significant change in the mission or objectives of the law school" to first "obtain the acquiescence of the Council." Adoption of BDS Policy by CUNY Law's faculty is a stunning and profound change of the mission and objectives of the institution, including an outright rejection of academic freedom by a call for academic boycott of Israel, those with any connection to Israel, and Israelis. The new policy further calls for banishment of both Legal Research services used by the institution, without any explanation as to how faculty or students will now conduct legal research. Most vilely of all, the new policy targets any and all Zionist or Israeli Jews who attend, teach or seek to attend or teach at CUNY Law. CUNY Law did not obtain the Council's acquiescence prior to adopting this monumental policy change and, thereby, is in direct violation of this Standard.

Violation of Standard 205: Non-Discrimination And Equality Of Opportunity

Standard 205 (a) and Standard 205 (d) prohibits a law school from discriminating against students and employees based on religion and nationality. The adopted BDS Policy discriminates against Israeli students and prospective students and Israeli employees and prospective employees based on nationality. It similarly discriminates against Orthodox Jews and various other streams of religious Jews for whom Zionism is a [deeply-rooted religious belief](#), outlined in the Bible.

Violation of Standard 206: Diversity and Inclusion

Standard 206 (a) and Standard 206 (b) prohibit a law school from discriminating against students and employees based on ethnicity. The BDS resolution discriminates against ethnically Zionist students and prospective students and employees and prospective employees.

Interpretation 206-2 pointedly explains that "the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds." CUNY Law's BDS policy seeks to ban one underrepresented ethnicity from its walls, entirely: Jewish Zionists. This policy contravenes Standard 206 and the inclusiveness and diversity of culture identified in Interpretation 206-2.

Violation of Standard 405: Professional Environment

Standard 405 (b) prescribes that law schools shall establish academic freedom policy. The CUNY Law BDS resolution flouts academic freedom in explicitly calling for academic boycott of Israeli institutions, Israeli scholars, and scholars who engage in research and publication with Israeli institutions and scholars. (See model language on the principles of academic freedom in [Appendix 1](#) to the ABA Standards for Approval of Law Schools).

In sum, CUNY Law faculty's BDS Policy adoption grossly violates sections 105, 205, 206, and 405 of the ABA Standards for Approval of Law Schools. We therefore ask the Council to review these unprecedented and deeply discriminatory policy adoptions and take all appropriate measures under Rule 2 and Rule 15, including withdrawal of accreditation, sanctions, and/or remedial action until such time as CUNY Law rejects its discriminatory policies and returns to compliance with the ABA Standards.

Thank you,

Students and Faculty for Equality at CUNY ([S.A.F.E. CUNY](#))

