

No. 24-71

IN THE
Supreme Court of the United States

AVRAHAM GOLDSTEIN, *et al.*,

Petitioners,

v.

PROFESSIONAL STAFF CONGRESS/CUNY, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

**BRIEF OF *AMICUS CURIAE*
ZIONIST ORGANIZATION OF AMERICA
IN SUPPORT OF PETITIONERS**

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Cases	
<i>Awad v. Fordham Univ.</i> , 139 N.Y.S.3d 154 (N.Y. App. Div. 2020)	7
<i>Kestenbaum v. Presidents and Fellows at Harvard College</i> , No. 24-10092-RGS (D. Mass. Aug. 6, 2024).	19
Statutes, Rules and Executive Orders	
Title VI of the Civil Rights Act, 42 U.S.C. §§ 2000d-2000d-7	1
Exec. Order No. 13,899, 84 Fed. Reg. 68,779 (Dec. 16, 2019).	9
Sup. Ct. R. 37.2	1
Congressional Committee Materials	
<i>Antisemitism at Postsecondary Institutions, Bipartisan Member Roundtable, Comm. on Educ. & the Workforce</i> 118 th Cong. (Feb. 29, 2024) (statement of Joe J. Gindi), https://edworkforce.house.gov/ uploadedfiles/joe_j_gindi_testimony.pdf	15

Cited Authorities

	<i>Page</i>
<i>Antisemitism on College Campuses: Hearing Before the H. Judiciary Subcomm. on the Constit. & Limited Gov't</i> 118th Cong. (May 15, 2024) (statement of Shabbos Kestenbaum), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Kestenbaum%20Testimony.pdf	18
H. Comm. on Educ. & the Workforce Press Release, <i>Columbia Administrators' Texts Reveal New Depths of Apathy and Disdain Towards Jewish Students</i> , July 2, 2024, https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=411745	26
U.S. H. Comm. on Ways & Means, <i>Hearing on the Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of University Leadership</i> , 118 th Cong. (June 13, 2024) (statement of Shai Davidai, Ph.D.), https://waysandmeans.house.gov/wp-content/uploads/2024/06/Davidai-Testimony.pdf	27, 28
YouTube, <i>Presidents of Harvard, UPENN, & MIT Refuse to Condemn Calls for Genocide of Jews</i> , Testimony Before House Comm. on Educ. & the Workforce, Dec. 5, 2023, https://www.youtube.com/watch?v=QuTfzcNIeDI	25

Cited Authorities

Page

Executive Materials

- U.S. Dep’t of Education, Office for Civil Rights, *City University of New York Resolution Agreement*, June 10, 2024, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02222034-b.pdf>10
- U.S. Dep’t of State, *Defining Antisemitism*, <https://www.state.gov/defining-antisemitism/>9

Studies and Reports

- Barbara Jones & Paul Shechtman, *Report to Chancellor Milliken on Allegations of Anti-Semitism*, Sept. 6, 2016, <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/news/newswire/assets/CUNYReport.pdf>.10
- Dan Diker & Jamie Berk, *Students for Justice in Palestine Unmasked*, Jerusalem Center for Public Affairs, https://jcpa.org/wp-content/uploads/pdf/SJP_unmasked_2018_web.pdf (2018).7
- Graham Wright et al., Brandeis University, *In the Shadow of War, Hotspots of Antisemitism on U.S. College Campuses*, Dec. 2023, <https://scholarworks.brandeis.edu/esploro/outputs/report/9924312184701921#file-0>11, 12

Cited Authorities

	<i>Page</i>
Hillel International, <i>Antisemitism on College Campuses: Incident Tracking</i> , https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/ (last updated July 31, 2024)	13
Hillel International, <i>Majority of Jewish College Students Say They Feel Less Safe Due to Encampments; 61% Report Antisemitism During Campus Protests</i> , May 13, 2024, https://www.hillel.org/majority-of-jewish-college-students-say-they-feel-less-safe-due-to-encampments-61-report-antisemitism-during-campus-protests/	21, 22
Leonard Saxe et al., Brandeis University, <i>Antisemitism and the College Campus: Perceptions and Realities</i> , July 2015, https://scholarworks.brandeis.edu/esploro/outputs/report/Antisemitism-and-the-college-campus-Perceptions/9924143424201921	5
Leonard Saxe et al., Brandeis University, <i>Hotspots of Antisemitism and Anti-Israel Sentiment on U.S. Campuses</i> , Oct. 2016, https://scholarworks.brandeis.edu/esploro/outputs/9924088244301921	6, 7
The City University of New York, <i>CUNY Anti-Semitism Report</i> , Oct. 10, 2016, https://www1.cuny.edu/mu/forum/2016/10/10/cuny-anti-semitism-report/	6

Cited Authorities

	<i>Page</i>
U.S. Comm’n on Civil Rights Briefing Rep., <i>Campus Anti-Semitism</i> , July 2006, https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf	3, 4
Media Reports	
Bari Weiss, <i>They Were Assaulted on Campus for Being Jews</i> , The Free Press, Apr. 21, 2024, https://www.thefp.com/p/they-were-assaulted-on-campus-for	16
Charles C.W. Cooke, <i>UF President, Ben Sasse, Shows All Other Universities How to Write Public Statements</i> , National Rev., Oct. 11, 2023, https://www.nationalreview.com/corner/uf-president-ben-sasse-shows-all-other-universities-how-to-write-public-statements/	25
Editorial, <i>The UAW Has a Gaza Policy</i> , Wall St. J., May 5, 2024, https://www.wsj.com/articles/shawn-fain-uaw-hamas-gaza-israel-campus-protests-39d68e2f	23
Emma H. Haidar & Cam E. Kettles, <i>Encampment Protesters Remove Drawing of Harvard President as Devil After Backlash</i> , The Harvard Crimson, May 12, 2024, https://www.thecrimson.com/article/2024/5/12/garber-devil-poster-removed-hoop-encampment/	19

Cited Authorities

	<i>Page</i>
Haley Cohen, <i>Jewish Leaders Worry that University Presidents are Appeasing Anti-Israel Protesters – At Any Cost</i> , Jewish Insider, May 6, 2024, https://jewishinsider.com/2024/05/jewish-leaders-leaders-worry-that-university-leaders-are-appeasing-anti-israel-protesters-at-any-cost/	21
<i>Israel Supporter Assaulted at UCLA in Attack Caught on Video</i> , Fox News, May 3, 2024, https://www.foxnews.com/video/6352241452112	14
Joseph Massad, <i>Just Another Battle or the Palestinian War of Liberation?</i> The Electronic Intifada, Oct. 8, 2023, https://electronicintifada.net/content/just-another-battle-or-palestinian-war-liberation/38661	19, 20
Joshua Rhett Miller, <i>Jewish Students Reveal What Really Happened at Cooper Union Protest</i> , N.Y. Post, Oct. 26, 2023, https://nypost.com/2023/10/26/metro/jewish-students-reveal-what-happened-at-cooper-union-protest/	14, 15
Luke Tress, <i>Jewish Students Locked in NYC’s Cooper Union as Protesters Chanted “Free Palestine,”</i> The Times of Israel, Oct. 26, 2023, https://www.timesofisrael.com/jewish-students-barricade-in-nycs-cooper-union-as-protesters-chant-free-palestine/	15

Cited Authorities

	<i>Page</i>
<p>Mauricio Karchmer, <i>Why I Quit My Dream Job at MIT</i>, The Free Press, Jan. 9, 2024, https://www.thefp.com/p/resigned-mit-october-7-antisemitism</p>	27
<p>Melissa Koenig, <i>Harvard Facing Fresh Antisemitism Scandal as Faculty Group Shares Cartoon Full of “Offensive Tropes,”</i> N.Y. Post, Feb. 20, 2024, https://nypost.com/2024/02/20/us-news/harvard-facing-new-antisemitism-scandal-over-cartoon/</p>	18
<p>Michael Starr, <i>Jewish Yale Student Jabbed in Eye with Flag Pole By Anti-Israel Protesters</i>, Jerusalem Post, Apr. 21, 2024, https://www.jpost.com/diaspora/antisemitism/article-798092</p>	14
<p>NBC-LA, <i>Jewish Student Recounts Injury During UCLA Protest</i>, YouTube, May 1, 2024, https://www.youtube.com/watch?v=ecD39KFX6oU</p>	14
<p>NewsNation, <i>Yale Student Assaulted by Protesters Links Incidents to Terrorist Influence</i>, Apr. 2024, https://www.youtube.com/watch?v=Hk_rFeSf8s</p>	14
<p>Patrick Reilly & Emily Crane, <i>Anti-Israel Protesters Violently Clash with NYPD Cops Outside City College of New York</i>, N.Y. Post, May 1, 2024, https://nypost.com/2024/04/30/us-news/anti-israel-protesters-clash-with-nypd-cops-outside-of-city-college-of-new-york/</p>	23, 24

Cited Authorities

	<i>Page</i>
Philissa Cramer, <i>Rabbi at Columbia U Urges Jewish Students to Leave as Pro-Palestinian Protests Continue to Roil Campus</i> , Jewish Telegraphic Agency, Apr. 21, 2024, https://www.jta.org/2024/04/21/united-states/columbia-u-rabbi-urges-jewish-students-to-leave-as-pro-palestinian-protests-continue-to-roil-campus	17
Ramishah Maruf, <i>Columbia University Settles with Jewish Student Who Sued Over Hostile Environment on Campus</i> , CNN, June 4, 2024, https://www.cnn.com/2024/06/04/business/columbia-university-settles-jewish-student-hostile-environment-on-campus/index.html	17
Rebecca Cypess, <i>Why I Left My Faculty Position at Rutgers</i> , Tablet Magazine, July 1, 2024, https://www.tabletmag.com/sections/news/articles/rutgers-yeshiva-university-jewish-educational-principles	27
Rebecca Massel, <i>“I am a Target”: Dozens of Jewish Students Report Feeling Unsafe on Campus</i> , Columbia Daily Spectator, Nov. 2, 2023, https://www.columbiaspectator.com/news/2023/11/02/i-am-a-target-dozens-of-jewish-students-report-feeling-unsafe-on-campus/	16

Cited Authorities

	<i>Page</i>
Snejana Farberov, <i>Stanford Teacher Suspended for Allegedly Separating Out Jewish Students in Class as “Colonizers,”</i> N.Y. Post, Oct. 13, 2023, https://nypost.com/2023/10/13/stanford-teacher-suspended-for-singling-out-jewish-students/	20
Sofia Rubinson, <i>Cornell Professor “Exhilarated” by Hamas’s Attack Defends Remark,</i> The Cornell Daily Sun, Oct. 18, 2023, https://cornellsun.com/2023/10/16/cornell-professor-exhilarated-by-hamass-attack-defends-remark/	19

Miscellaneous Materials

A Letter from Jewish Students of Rutgers University, https://nypost.com/wp-content/uploads/sites/2/2024/05/A-Letter-from-Jewish-Students-of-Rutgers-University.pdf	16
Brandeis University, President Ron Liebowitz’s Message to the Brandeis Community, <i>A Space for Free Speech, Not Hate Speech</i> , Nov. 8, 2023, https://www.brandeis.edu/president/letters/2023-11-08-free-speech-not-hate-speech.html	7, 8
Brown University, <i>Agreement Between University, Student Leaders Will End “Divestment” Encampment at Brown</i> , Apr. 30, 2024, https://www.brown.edu/news/2024-04-30/encampment-agreement	22

Cited Authorities

	<i>Page</i>
Columbia University, <i>Messages from President Shafik and Provost Olinto</i> , July 8, 2024, https://president.columbia.edu/news/messages-president-shafik-and-provost-olinto/	26
Harvard Palestine Solidarity Groups, <i>Joint Statement by Harvard Palestine Solidarity Groups on the Situation in Palestine</i> , Oct. 10, 2023, https://www.palestine-studies.org/en/node/1654370	17
Hillel International, <i>Confronting Antisemitism on Campus</i> , https://www.hillel.org/confronting-antisemitism/	13
International Holocaust Remembrance Alliance, <i>Spelling of Antisemitism</i> , https://holocaustremembrance.com/resources/spelling-antisemitism	3
Northwestern University, <i>Agreement on Deering Meadow</i> , Apr. 29, 2024, https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf	22
PSC CUNY, <i>Drop the Charges Against the CUNY Students and Employees Arrested at CCNY the Night of April 30</i> , May 6, 2024, https://psc-cuny.org/news-events/drop-the-charges-against-the-cuny-students-and-employees-arrested-at-ccny-the-night-of-april-30/	24

Cited Authorities

	<i>Page</i>
PSC CUNY, <i>Resolution in Support of the Palestinian People</i> , June 2021, https://2022.psc-cuny.org/sites/default/files/Final_Resolution_in_Support_of_the_Palestinian_People.pdf	24
PSC Principal Officers, <i>Arrests at City College</i> , May 1, 2024, https://psc-cuny.org/news-events/arrests-at-city-college/	24
Rutgers Faculty-Staff Letter in Support of Our Jewish Students - May 2024, https://docs.google.com/document/d/1q1VHnyL2jazxXYt9dQjsI43OnWjeaQRp5gBgniubcDk/edit	16
UAW President Shawn Fain, May 1, 2024, X (formerly Twitter), https://x.com/shawnfainuaw/status/1785705412186062887?s=46&t=POvQh4clhI4cmP7GkX5zZQ	23
U.S. Comm’n on Civil Rights, <i>Our Mission</i> , https://www.usccr.gov/about/mission	3
Zionist Organization of America Letter to CUNY Chancellor James B. Milliken and CUNY Board of Trustees, Feb. 22, 2016, https://zoa.org/wp-content/uploads/2016/02/Letter-to-CUNY-Chancellor-and-Board-of-Trustees-2-22-16.pdf	6

INTEREST OF AMICUS CURIAE¹

Amicus curiae is the Zionist Organization of America (ZOA), the oldest pro-Israel organization in the United States whose leaders have included U.S. Supreme Court Justice Louis Brandeis. Established in 1897, the ZOA played a key role in mobilizing support for the establishment of the State of Israel in 1948. Since then, the ZOA has been on the front lines of Jewish activism, playing a leading role in the fight against antisemitism, including on U.S. college campuses.

The ZOA pioneered the use of Title VI of the Civil Rights Act (42 U.S.C. §§ 2000d-2000d-7) to protect Jewish students from antisemitic harassment and discrimination at federally funded schools. The ZOA also led the successful six-year battle to ensure that Title VI would be interpreted to protect students when they faced discrimination based on their actual or perceived Jewish ancestry or ethnicity. For over 20 years, the ZOA has been seeking to ensure that Jews at federally funded schools have the safe and welcoming learning environment that they are legally entitled to and that everyone deserves.

Petitioners are among the many faculty members who have been exposed or subjected to anti-Jewish sentiment on their campuses, which has been a longstanding problem at the City University of New York (CUNY),

1. No counsel for a party authored this brief in whole or in part, and no person other than *amicus curiae*, its respective members, or its counsel made a monetary contribution to the brief's preparation and submission. In accordance with Sup. Ct. R. 37.2, counsel of record received timely notice of *amicus curiae*'s intent to file this brief.

where Petitioners work. The ZOA has a strong interest in ensuring that Petitioners not suffer additional harm by being forced to tolerate a union spokesperson whose views and positions are abhorrent to them as Jews and hostile to their Jewish identity.

SUMMARY OF ARGUMENT

The issue before this Court is whether it violates the First Amendment for a state to prohibit Petitioners – all but one of whom are Jews – from dissociating from a union’s representation to protest that union’s antisemitic and anti-Israel conduct. In deciding this issue, understanding the context in which it arises is crucial.

Campus antisemitism has been a serious and long-existing problem for Jewish faculty, staff and students at CUNY and many other schools. The problem surged after the Hamas terrorist attacks in Israel on October 7, 2023. Some unions – including Petitioners’ exclusive union representative, the Professional Staff Congress/CUNY (PSC) – have fueled the problem.

For Petitioners and many other Jewish faculty, staff and students, their campuses have long been unwelcoming, intimidating, and even frightening places in which to work, engage and learn. This is important context for the Court to consider in deciding whether – besides being forced to tolerate a hostile antisemitic campus environment – Petitioners should also be compelled to accept that a union must speak for them even though they find the union’s views and positions reprehensible and anathema to their Jewish faith and identity.

ARGUMENT

I. Campus Antisemitism Has Long Been a Serious Problem on American Campuses

Jews on U.S. college campuses have faced antisemitic² harassment and intimidation for decades. In November 2005, the U.S. Commission on Civil Rights (“Commission”)³ convened a panel of experts to brief the Commission on incidents of antisemitic harassment on college campuses across the United States. Based on the record, the Commission adopted Findings and Recommendations on April 3, 2006, which were included in a detailed Briefing Report issued by the Commission in July 2006. U.S. Comm’n on Civil Rights Briefing Rep., *Campus Anti-*

2. In this brief, the ZOA uses an unhyphenated spelling of “antisemitism” and its variants, which many scholars and institutions endorse in order to dispel the notion that there is a “Semitism” entity that “anti-Semitism” opposes. The ZOA uses the spelling “anti-Semitism” only to quote accurately a source that used that hyphenated spelling.

The International Holocaust Remembrance Alliance (IHRA) – which brings together governments and experts from around the world to promote Holocaust education, remembrance and research – provides a thorough explanation of why “antisemitism” should be used. *See* International Holocaust Remembrance Alliance, *Spelling of Antisemitism*, <https://holocaustremembrance.com/resources/spelling-antisemitism>.

3. The U.S. Commission on Civil Rights is an independent, bipartisan, fact-finding federal agency established by Congress in 1957. Its “mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws.” U.S. Comm’n on Civil Rights, *Our Mission*, <https://www.usecr.gov/about/mission>.

Semitism, July 2006, at 72-73, <https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf>.

Almost two decades ago, the Commission recognized that campus antisemitism was already an ongoing and “serious” problem on many college campuses “warrant[ing] further attention.” *Id.* at 72. Jewish students were enduring physical threats and intimidation, as well as “derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry.” *Id.*

The Commission also found that on many campuses, anti-Israel and anti-Zionist propaganda had been disseminated that included “traditional anti-Semitic elements” – for example, “anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial.” *Id.* Recognizing the importance of distinguishing such propaganda from “legitimate discourse regarding foreign policy,” the Commission declared that “[a]nti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.” *Id.*

Antisemitism was a problem in university classrooms, too, the Commission found: “Substantial evidence suggests that many university departments of Middle East studies provide one-sided, highly polemical academic presentations and some may repress legitimate debate concerning Israel.” *Id.*

Since then, studies continued to document that campus antisemitism was a serious problem, creating a hostile environment for Jews. In July 2015, Brandeis University released a study regarding the extent of antisemitism and

anti-Israelism on campus in the wake of the Israel-Hamas war in the summer of 2014. Leonard Saxe et al., Brandeis University, *Antisemitism and the College Campus: Perceptions and Realities*, July 2015, <https://scholarworks.brandeis.edu/esploro/outputs/report/Antisemitism-and-the-college-campus-Perceptions/9924143424201921>. The study drew on a survey of U.S. and Canadian college students and young adults who applied to go on a 10-day educational experience in Israel in the summer of 2015. *Id.* at 1.

Among the study's key findings were that:

- (1) More than one-quarter of undergraduate respondents described anti-Israel hostility on campus by their peers as a “fairly” or “very big” problem and almost 15% perceived this same level of hostility toward Jews.
- (2) Approximately one-third of college undergraduate respondents reported having been verbally harassed during the past year because they were Jewish.
- (3) Almost three-quarters of respondents reported having been exposed at one time during the previous year to at least one of six antisemitic statements, including claims that Jews have too much power and that Israelis behave “like Nazis” toward Palestinians.

Id.

In October 2016, based on a spring 2016 survey of Jewish undergraduate students at 50 U.S. campuses, researchers at Brandeis University assessed the “hotspots” of antisemitism and anti-Israelism – i.e., “campuses where antisemitism and anti-Israel sentiment are especially acute.” Leonard Saxe et al., Brandeis University, *Hotspots of Antisemitism and Anti-Israel Sentiment on U.S. Campuses*, Oct. 2016, <https://scholarworks.brandeis.edu/explore/outputs/9924088244301921> at 1.

Significantly, the researchers found that Brooklyn College, part of CUNY which employs Petitioners, was a “hotspot,” where “the majority of Jewish students perceive a hostile environment toward Israel, and over one quarter perceive a general environment of hostility toward Jews on their campus.” *Id.*

In the same year, CUNY’s Chancellor commissioned an independent investigation into allegations of antisemitism at CUNY, in response to a letter from the ZOA to CUNY’s Chancellor and Board of Trustees. The City University of New York, *CUNY Anti-Semitism Report*, Oct. 10, 2016, <https://www1.cuny.edu/mu/forum/2016/10/10/cuny-anti-semitism-report/>⁴

The ZOA’s letter detailed the antisemitism that Jews were enduring on four CUNY campuses. Zionist Organization of America Letter to CUNY Chancellor James B. Milliken and CUNY Board of Trustees, Feb. 22, 2016, <https://zoa.org/wp-content/uploads/2016/02/Letter-to-CUNY-Chancellor-and-Board-of-Trustees-2-22-16.pdf>.

4. The Chancellor appointed Paul Shechtman, a former federal prosecutor, and Barbara Jones, a former federal district court judge, to conduct the investigation.

The investigators confirmed that CUNY had been plagued by numerous antisemitic incidents, including, but not limited to the following:

- At a November 2015 rally at CUNY’s Hunter College, organized by a student group that calls itself “Students for Justice in Palestine” (SJP),⁵

5. SJP is an anti-Israel group with chapters across the U.S. and is the leading student arm of the boycott, divestment and sanctions (BDS) movement against Israel. Dan Diker & Jamie Berk, *Students for Justice in Palestine Unmasked*, Jerusalem Center for Public Affairs, https://jcpa.org/wp-content/uploads/pdf/SJP_unmasked_2018_web.pdf at 4 (2018). SJP’s founders and supporters have been linked to Hamas and other terrorist groups. *Id.* The 2016 Brandeis University study on the “hotspots” of campus antisemitism (see p. 6, above) found that “[o]ne of the strongest predictors of perceiving a hostile [campus] climate toward Israel and Jews is the presence of an active Students for Justice in Palestine (SJP) group on campus.” <https://scholarworks.brandeis.edu/esploro/outputs/9924088244301921> at 1.

In 2016, Fordham University rejected an application to establish an SJP chapter on the campus, a decision which the applicants unsuccessfully challenged in court. *See Awad v. Fordham Univ.*, 139 N.Y.S.3d 154 (N.Y. App. Div. 2020). The court endorsed Fordham’s conclusion that an SJP chapter, “which would have been affiliated with a national organization reported to have engaged in disruptive and coercive actions on other campuses, would work against, rather than enhance, [Fordham’s] commitment to open dialogue and mutual learning.” *Id.* at 156.

In November 2023, Brandeis University banned SJP “because SJP openly supports Hamas, which the United States has designated as a Foreign Terrorist Organization, and its call for the violent elimination of Israel and the Jewish people.” Brandeis University, President Ron Liebowitz’s Message to the Brandeis Community, *A Space for Free Speech, Not Hate Speech*, Nov. 8,

protestors chanted “Jews out of CUNY” and “Death to Jews.”

- Protestors cursed at and threatened Jews at the Hunter rally, with comments such as: “Is that all you can do, come along, take for your people, Jewish people, come along, you racist sons of bitches”; “Go back home, and get the fuck out of my country”; and “We should drag the Zionists down the street.”
- Jewish students did not feel safe at the rally. In the rally’s aftermath, some students did not feel safe identifying as Jewish on campus.
- At CUNY’s Brooklyn College, a Jewish student who did not endorse SJP’s anti-Israel positions was repeatedly harassed by an SJP member who sent her alarming messages, including “I hope you don’t walk alone on campus.” Another Jewish student was threatened by an SJP student simply because she refused an anti-Israel flyer; the SJP student told her that “they would knock on every door in Midwood [a section of Brooklyn where many Jewish students lived] until they found her.” Members of the Israel Club were called “dirty Jews” and similar expletives.
- In the classroom, a Brooklyn College professor called Israelis “assassins” and “baby killers,” and made disparaging comments when Jewish students informed him that they had to miss class for a

religious holiday. Another professor skipped over the Holocaust in a history class, dismissively telling his students, “You all know this story.” When a professor discussed faculty contract negotiations in class, a student commented that liberating CUNY required liberating Palestine, and that the CUNY administration was run by Zionists. The professor did not refute or respond to the student’s antisemitic remarks.⁶

- At CUNY’s John Jay College of Criminal Justice, the Muslim Student Association (MSA) was menaced for planning to co-host a program with Hillel. The program’s focus was on coexistence and diversity in the New York Police Department and had nothing to do with Israel or the Middle East conflict. Expressing that “we fear for your safety and ours,” the MSA dropped its sponsorship. In 2015, a student with an Israeli flag patch on his backpack was called a Zionist pig and had a water bottle thrown at his head.

6. Making stereotypical allegations about Jews as such or the power of Jews as collective – such as the myth that Jews control the media, the economy, the government, or other societal institutions (e.g., CUNY) – is antisemitic, according to the internationally accepted definition of antisemitism that the U.S. government uses. See U.S. Dep’t of State, *Defining Antisemitism*, <https://www.state.gov/defining-antisemitism/>. On December 11, 2019, President Donald J. Trump issued an Executive Order on Combating Anti-Semitism, which requires, among other things, that federal agencies consider the IHRA working definition of antisemitism, including its contemporary examples of antisemitism, in enforcing Title VI of the Civil Rights Act. Exec. Order No. 13,899, 84 Fed. Reg. 68,779 (Dec. 16, 2019).

- At CUNY’s College of Staten Island, a Jewish student carrying a sign to promote harmony on campus was told by another student that “I wouldn’t hug a Jew.” When a student disrupted another student’s class presentation on women in the Israel Defense Forces, shouting that Israeli soldiers were “killers,” the professor did not intervene. Both a Hillel student and the Executive Director of Hillel were bullied and harassed on Facebook.

Barbara Jones & Paul Shechtman, *Report to Chancellor Milliken on Allegations of Anti-Semitism*, Sept. 6, 2016, <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/news/newswire/assets/CUNYReport.pdf>, at 4-5, 10-11, 12-13, 15, 17-19.

In June 2024, the U.S. Department of Education’s Office for Civil Rights collectively resolved nine complaints against CUNY, all alleging a violation of Title VI of the Civil Rights Act. Six of the complaints – including the ZOA’s complaint against the CUNY School of Law – alleged that CUNY failed to effectively address antisemitic harassment and discrimination, creating a hostile environment for Jewish students beginning in academic year 2019-2020. CUNY entered into a CUNY-wide agreement to ensure compliance with the law. U.S. Dep’t of Education, Office for Civil Rights, *City University of New York Resolution Agreement*, June 10, 2024, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02222034-b.pdf>.

Antisemitism at CUNY and other college campuses has thus been a serious problem for years, creating an environment for many Jewish students, faculty and staff

that feels intimidating, threatening and even dangerous. The problem skyrocketed after October 7, 2023, when Hamas terrorists breached Israel's border and massacred, raped, and mutilated 1,200 men, women and children at a dance festival and in their homes and communities in Israel, and kidnapped hundreds more, holding them captive in Gaza where many remain today, enduring unimaginable abuse.

II. Campus Antisemitism Surges After the Hamas Terrorist Attacks on October 7, 2023

It would be reasonable to think that the worst mass slaughter of the Jewish people since the Holocaust would engender compassion and support for the Jewish community, including on campus. Instead, hostility and hatred toward Jews rose sharply after Hamas' massacre on October 7, 2023. Jews on campus were blamed for the massacre. Jews have been harassed, threatened, bullied, cursed at, and physically assaulted. They have seen students, professors and administrators stay silent in response to campus attacks on Jews and Israel, and openly support and praise the terrorist group Hamas and its horrifying violence and destruction.

A. Studies Documenting the Surge

In December 2023, Brandeis University issued another study of campus antisemitism, based on research conducted in the weeks after the Hamas attacks on October 7, 2023. Graham Wright et al., Brandeis University, *In the Shadow of War, Hotspots of Antisemitism on U.S. College Campuses*, Dec. 2023, <https://scholarworks.brandeis.edu/esploro/outputs/report/9924312184701921#file-0>.

Based on survey data collected from almost 2,000 Jewish undergraduate students at schools with large Jewish student populations, the study's key findings include:

- Antisemitic hostility varied “dramatically” from campus to campus.
- At the most hostile schools, about 80% of Jewish students reported encountering hostility toward Israel from other students “sometimes” or “often.” At these schools, 30% also reported encountering hostility toward Israel from faculty.
- Jewish students at campuses with higher levels of antisemitic hostility were much less likely to feel fully safe or comfortable on their campus and much less likely to feel that they “very much” belonged.

Id. at 1-2.

Each school in the study was assigned a ranking based on the researchers' estimate of its average level of antisemitic hostility. *Id.* at 7. Schools were then placed into one of four groups based on their position in the ranking: highest antisemitic hostility; above average antisemitic hostility; below average antisemitic hostility; and lowest antisemitic hostility. *Id.* at 7-8.

Significantly, CUNY's Queens College was ranked among the schools with the highest antisemitic hostility (the highest 25% of schools in the sample). *Id.* at 8. CUNY's Baruch College was ranked among the schools with above average antisemitic hostility (the second highest 25% of schools in the sample). *Id.*

Equally troubling data comes from Hillel International, which describes itself as “the world’s largest Jewish student organization.” Hillel International has been tracking antisemitic incidents on college campuses since 2019. See Hillel International, *Confronting Antisemitism on Campus*, <https://www.hillel.org/confronting-antisemitism/>.

Since the Hamas terrorist attacks on October 7, 2023, Hillel International tracked a total of 1,851 reported antisemitic incidents in the 2023-2024 school year – a 700% increase from the previous school year. Hillel International, *Antisemitism on College Campuses: Incident Tracking*, <https://www.hillel.org/antisemitism-on-college-campuses-incident-tracking-from-2019-2023/> (last updated July 31, 2024).

These reports are alarming. But they do not capture the pain, suffering and fear that many Jews on campus have been enduring since October 7, 2023. There are too many examples to recount; here are a few.

B. Antisemitism at Yale University

On April 20, 2024, Sahar Tartak, a Jewish student who was editor-in-chief of the *Yale Free Press*, went with another Jewish student to an anti-Israel rally on campus to report on it. Both students, by their attire, were observably Jewish. They were accosted by rally organizers, who created a human blockade and prevented them from walking. When the two students got separated, Ms. Tartak was followed and taunted by protesters, who encircled her, waving flashlights and keffiyehs in her face. One of the protesters jabbed her in the eye with his flag, necessitating emergency medical treatment. Ms.

Tartak also suffered psychological damage and feared returning to the Yale campus: “All these students know who I am,” she said. Michael Starr, *Jewish Yale Student Jabbed in Eye with Flag Pole By Anti-Israel Protesters*, Jerusalem Post, Apr. 21, 2024, <https://www.jpost.com/diaspora/antisemitism/article-798092>; NewsNation, *Yale Student Assaulted by Protesters Links Incidents to Terrorist Influence*, Apr. 2024, https://www.youtube.com/watch?v=Hk_rFeSf8s.

C. Antisemitism at UCLA

A young Jewish woman named Eleanor was accosted by anti-Israel protesters at UCLA on April 30, 2024. When she bent over to pick up an Israeli flag that her sister had dropped, protesters kicked and stepped on the flag, pushed Eleanor back, slamming her head to the ground, and kicked her in the head. Eleanor was knocked unconscious and rushed to the hospital for treatment. NBC-LA, *Jewish Student Recounts Injury During UCLA Protest*, YouTube, May 1, 2024, <https://www.youtube.com/watch?v=ecD39KFX6oU>; *Israel Supporter Assaulted at UCLA in Attack Caught on Video*, Fox News, May 3, 2024, <https://www.foxnews.com/video/6352241452112>.

D. Antisemitism at Cooper Union College

On October 25, 2023, students at Cooper Union College in Manhattan were forced to barricade themselves in the library while anti-Israel, pro-Hamas demonstrators banged on the library’s doors and windows, screaming for Israel’s elimination (with chants of “Free, free Palestine”). Jewish students “were full of fear, some crying,” one student reported. Joshua Rhett Miller, *Jewish Students*

Reveal What Really Happened at Cooper Union Protest, N.Y. Post, Oct. 26, 2023, <https://nypost.com/2023/10/26/metro/jewish-students-reveal-what-happened-at-cooper-union-protest/>; Luke Tress, *Jewish Students Locked in NYC's Cooper Union as Protesters Chanted "Free Palestine,"* The Times of Israel, Oct. 26, 2023, <https://www.timesofisrael.com/jewish-students-barricade-in-nycs-cooper-union-as-protesters-chant-free-palestine/>.

E. Antisemitism at Rutgers University

In November 2023, members of Rutgers' SJP stormed the student center and took it over, shouting, "We don't want Zionists here" and other slurs. *Antisemitism at Postsecondary Institutions, Bipartisan Member Roundtable, Comm. on Educ. & the Workforce 118th Cong.* (Feb. 29, 2024) (statement of Joe J. Gindi), https://edworkforce.house.gov/uploadedfiles/joe_j._gindi_testimony.pdf at 2. SJP protesters shouted at and called Jewish students "murderers." *Id.*

Also in November 2023, SJP protesters took over the business school, calling for an intifada – a call for violence and terrorism against Jews – disrupting classes and causing Jewish students to fear entering the building. *Id.* at 3. The administration did not stop the harassment; "[o]ne administrator literally held the door open" for SJP agitators so that they could enter the building. *Id.*

Some of the anti-Israel rallies were led by Rutgers staff. At one, a program coordinator screamed at Jewish students, "F—k you! F—k you, Colonizer! F—k you, Zionist!" *Id.*

Hundreds of Jewish students and faculty at Rutgers signed open letters to the administration detailing and denouncing the rampant antisemitism at Rutgers since October 7, 2023. A Letter from Jewish Students of Rutgers University, <https://nypost.com/wp-content/uploads/sites/2/2024/05/A-Letter-from-Jewish-Students-of-Rutgers-University.pdf>; Rutgers Faculty-Staff Letter in Support of Our Jewish Students - May 2024, <https://docs.google.com/document/d/1q1VHnyL2jazxXYt9dQjsI43OnWjeaQRp5gBgniubcDk/edit>.

F. Antisemitism at Columbia University

Dozens of Jewish students reported feeling unsafe at Columbia University after the Hamas massacre. Protesters yelled “murderer” at a student wearing an Israeli flag, and yelled at other students, “F—k the Jews” and “F—k Israel.” Jewish students were spat on and physically assaulted. Protesters told Columbia students to “go back to Poland,” and screamed, “Say it loud and say it clear, we don’t want no Zionists here.” Rebecca Massel, *“I am a Target”: Dozens of Jewish Students Report Feeling Unsafe on Campus*, Columbia Daily Spectator, Nov. 2, 2023, <https://www.columbiaspectator.com/news/2023/11/02/i-am-a-target-dozens-of-jewish-students-report-feeling-unsafe-on-campus/>; Bari Weiss, *They Were Assaulted on Campus for Being Jews*, The Free Press, Apr. 21, 2024, <https://www.thefp.com/p/they-were-assaulted-on-campus-for>.

In April 2024, a rabbi at Columbia recommended that Jewish students leave and return home “until the reality in and around campus has dramatically improved.” Expressing his belief that the university and the New

York City police could not guarantee the safety of Jewish students “in the face of extreme antisemitism and anarchy,” the rabbi wrote: “It is not our job as Jews to ensure our own safety on campus. No one should have to endure this level of hatred, let alone at school.” Philissa Cramer, *Rabbi at Columbia U Urges Jewish Students to Leave as Pro-Palestinian Protests Continue to Roil Campus*, Jewish Telegraphic Agency, Apr. 21, 2024, <https://www.jta.org/2024/04/21/united-states/columbia-u-rabbi-urges-jewish-students-to-leave-as-pro-palestinian-protests-continue-to-roil-campus>.⁷

G. Antisemitism at Harvard University

Thirty-four student groups at Harvard, representing hundreds of students, wasted no time after the Hamas massacre to blame Israel for the attack. Even before Israel took any steps in defense of its people, these student groups issued a “joint statement” demonizing Israel with falsehoods and holding “the Israeli regime entirely responsible for all unfolding violence.” Harvard Palestine Solidarity Groups, *Joint Statement by Harvard Palestine Solidarity Groups on the Situation in Palestine*, Oct. 10, 2023, <https://www.palestine-studies.org/en/node/1654370>.

7. Since October 7, 2023, Columbia has faced lawsuits alleging a hostile antisemitic campus environment that the university has failed to effectively address. The settlement of one lawsuit, in April 2024, reflects Columbia’s own admission that Jews remain at risk at the university: Columbia has agreed to provide 24/7 walking escorts to students through at least December 31, 2024. Ramishah Maruf, *Columbia University Settles with Jewish Student Who Sued Over Hostile Environment on Campus*, CNN, June 4, 2024, <https://www.cnn.com/2024/06/04/business/columbia-university-settles-jewish-student-hostile-environment-on-campus/index.html>.

In January 2024, dozens of Harvard students posted on social media that Jews are baby killers and pedophiles, that Jews play an outsize role in media and politics, and that “too many damn Jews” live in this country. *Antisemitism on College Campuses: Hearing Before the H. Judiciary Subcomm. on the Constit. & Limited Gov’t 118th Cong.* (May 15, 2024) (statement of Shabbos Kestenbaum), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Kestenbaum%20Testimony.pdf> at 2.

Posters in Harvard Yard depicting hostages held captive by Hamas were vandalized by antisemitism. Hostages were compared to convicted sex offender Jeffrey Epstein and Jews were accused of orchestrating the September 11 terrorist attacks on the U.S. *Id.*

In February 2024, almost 100 Harvard faculty and staff reposted an image of a hand branded with the Star of David with a dollar sign at the center of the star. The hand held a noose circling the neck of a Black man and an Arab man. *Id.* at 3; Melissa Koenig, *Harvard Facing Fresh Antisemitism Scandal as Faculty Group Shares Cartoon Full of “Offensive Tropes,”* N.Y. Post, Feb. 20, 2024, <https://nypost.com/2024/02/20/us-news/harvard-facing-new-antisemitism-scandal-over-cartoon/>.

On the first day of Passover 2024, hundreds of Harvard students set up an encampment on the campus which lasted for weeks and which, according to a Harvard graduate student, “espoused near daily antisemitism, harassed and followed Jews, called for the violent destruction of the Jewish state, and violated school policy.” *Antisemitism on College Campuses: Hearing Before the H. Judiciary Subcomm. on the Constit. & Limited Gov’t 118th Cong.* (May 15, 2024) (statement of Shabbos Kestenbaum), at 5.

The encampment’s organizers displayed (and later removed) a poster of interim Harvard President Alan M. Garber – who is Jewish – with horns and a tail, sitting on a toilet, with the caption, “Alan Garbage funds genocide.” Emma H. Haidar & Cam E. Kettles, *Encampment Protesters Remove Drawing of Harvard President as Devil After Backlash*, The Harvard Crimson, May 12, 2024, <https://www.thecrimson.com/article/2024/5/12/garber-devil-poster-removed-hoop-encampment/>.⁸

H. Faculty Have Openly Supported Hamas and Its Massacre of Jews

Just days after Hamas’ barbarism, a Cornell University professor spoke at an anti-Israel rally in Ithaca and said that he was “exhilarated” and “energized” by Hamas’ actions. Sofia Rubinson, *Cornell Professor “Exhilarated” by Hamas’s Attack Defends Remark*, The Cornell Daily Sun, Oct. 18, 2023, <https://cornellsun.com/2023/10/16/cornell-professor-exhilarated-by-hamass-attack-defends-remark/>.

Less than a day after the Hamas massacre, a Columbia University professor published an article praising the massacre. Joseph Massad, *Just Another Battle or the Palestinian War of Liberation?* The Electronic Intifada, Oct. 8, 2023, <https://electronicintifada.net/content/just->

8. A federal court judge recently denied Harvard’s motion to dismiss a lawsuit which alleged that the university affirmatively ignored discrimination against its Jewish and Israeli students. *Kestenbaum v. Presidents and Fellows at Harvard College*, No. 24-10092-RGS (D. Mass. Aug. 6, 2024) (Memorandum and Order on Defendant’s Motion to Dismiss). The judge stated that “the facts as pled show that Harvard failed its Jewish students.” *Id.*, slip op. at 18.

another-battle-or-palestinian-war-liberation/38661. The professor lauded the terrorist group's horrific actions as "astonishing," "astounding," "awesome," and "incredible." *Id.*

At Stanford University, just days after the Hamas massacre, an instructor in a first-year class defended the Hamas terrorists as "freedom fighters" and blamed "Zionists" for the war between Hamas and Israel. According to students in the class, the instructor asked Jewish students to raise their hands, separated them from their belongings, and ordered them to stand in the corner, explaining that this is what Jews were allegedly doing to Palestinians. Snejana Farberov, *Stanford Teacher Suspended for Allegedly Separating Out Jewish Students in Class as "Colonizers,"* N.Y. Post, Oct. 13, 2023, <https://nypost.com/2023/10/13/stanford-teacher-suspended-for-singling-out-jewish-students/>.

The instructor asked his students how many Jews were killed in the Holocaust and when one student answered, "six million," the instructor downplayed the Holocaust, saying, "Yes, only six million." He then claimed that more people were killed by colonizers and that "Israel is a colonizer." The instructor also asked each student to say where their ancestors were from and labeled each a "colonizer" or "colonized" based on their ancestry. When one student self-identified as Israeli, the instructor responded, "Oh, definitely a colonizer." Jewish students were afraid, traumatized and felt dehumanized; one said, "It's like I'm reliving the justification of Nazis 80 years ago on today's college campus." *Id.*

I. Encampments Erected on Campus Created a Hostile and Threatening Environment for Jews

Beginning at Columbia University on April 17, 2024, “Gaza solidarity encampments” were erected on campuses across the country. Protesters at these encampments, which included students, faculty and others, took over buildings, vandalized school property, and chanted antisemitic slogans, demanding that Israel end its defensive war with Hamas and that their schools cut ties with Israel. Haley Cohen, *Jewish Leaders Worry that University Presidents are Appeasing Anti-Israel Protesters – At Any Cost*, Jewish Insider, May 6, 2024, <https://jewishinsider.com/2024/05/jewish-leaders-leaders-worry-that-university-leaders-are-appeasing-anti-israel-protesters-at-any-cost/>.

In May 2024, Hillel International published the results of a recent survey of 310 Jewish students who were polled about the anti-Israel encampments and protests. Hillel International, *Majority of Jewish College Students Say They Feel Less Safe Due to Encampments; 61% Report Antisemitism During Campus Protests*, May 13, 2024, <https://www.hillel.org/majority-of-jewish-college-students-say-they-feel-less-safe-due-to-encampments-61-report-antisemitism-during-campus-protests/>.

More than half of the students surveyed said that antisemitic, threatening or derogatory language toward Jewish people was used during protests. *Id.* The encampments and protests interfered with normal campus life; more than half of the students surveyed had their classes canceled, interrupted, or moved to Zoom,

or students had been blocked from attending classes. *Id.* The majority of students surveyed said they felt less safe because of the protests and encampments. *Id.*

Instead of holding protesters accountable for violating school policies and fomenting antisemitism, some universities, like Northwestern University, caved to protesters' demands. Among other concessions, Northwestern agreed to allow students to weigh in on university investments. Northwestern University, *Agreement on Deering Meadow*, Apr. 29, 2024, <https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf>.

Brown University similarly mollified anti-Israel protesters who erected an encampment in violation of university policies. The university's concessions included Brown agreeing to invite students to meet with members of the Corporation of Brown University so that students could be "heard on the issue of 'divestment from the Israeli occupation of Palestinian Territory.'" Brown University, *Agreement Between University, Student Leaders Will End "Divestment" Encampment at Brown*, Apr. 30, 2024, <https://www.brown.edu/news/2024-04-30/encampment-agreement>.

Instead of deterring future lawlessness and policy violations by anti-Israel protesters, these agreements rewarded the protesters and incentivized them to continue to engage in the very same conduct that created a hostile and threatening environment for Jews on campus.

J. Some Unions Have Fueled Campus Antisemitism

Rather than focus on seeking better wages and improving teaching and working conditions for their members, some unions that represent academic workers have deviated from that focus. They have publicly supported the anti-Israel protests and encampments, fueling the campus antisemitism that Jews have been enduring.

For example, the president of the United Auto Workers (UAW) – which includes graduate students and university employees – denounced Israel’s defensive war against the terrorist group Hamas and expressed support for anti-Israel protesters, even though protesters were trespassing and taking over buildings, disrupting university operations, and harassing and intimidating Jews on campus. UAW President Shawn Fain, May 1, 2024, X (formerly Twitter), <https://x.com/shawnfainuaw/status/1785705412186062887?s=46&t=POvQh4cIhI4cmP7GkX5zZQ>. See Editorial, *The UAW Has a Gaza Policy*, Wall St. J., May 5, 2024, <https://www.wsj.com/articles/shawn-fain-uaw-hamas-gaza-israel-campus-protests-39d68e2f>.

PSC, which Petitioners are presently being forced to accept as their spokesperson, has also expressed support for anti-Israel protesters and their hateful, violent conduct. On April 30, 2024, protesters battled with police officers who were called in to end an encampment at the City College of New York. Patrick Reilly & Emily Crane, *Anti-Israel Protesters Violently Clash with NYPD Cops Outside City College of New York*, N.Y. Post, May 1, 2024, <https://nypost.com/2024/04/30/us-news/anti-israel->

protesters-clash-with-nypd-cops-outside-of-city-college-of-new-york/.

Some protesters hurled garbage at police officers, and a man was filmed bashing a police officer in the head with a five-gallon water jug bearing a sticker that read, “Israel is committing genocide in Gaza.” *Id.* Reportedly, “lots of faculty and union members” were present at the demonstration. *Id.*

Instead of condemning the lawless protesters, PSC condemned the police. Statement from the PSC Principal Officers, *Arrests at City College*, May 1, 2024, <https://psc-cuny.org/news-events/arrests-at-city-college/>. In addition, PSC urged the District Attorney to drop the charges against CUNY students and faculty who were arrested. PSC CUNY, *Drop the Charges Against the CUNY Students and Employees Arrested at CCNY the Night of April 30*, May 6, 2024, <https://psc-cuny.org/news-events/drop-the-charges-against-the-cuny-students-and-employees-arrested-at-ccny-the-night-of-april-30/>.

Even before October 7, 2023, PSC staked out a position hostile to Israel and Jews. In June 2021, the union passed a resolution falsely labeling Israel an “apartheid” state and singling out the one Jewish state in the world for punishment by expressing support for the anti-Israel BDS movement. PSC CUNY, *Resolution in Support of the Palestinian People*, June 2021, https://2022.psc-cuny.org/sites/default/files/Final_Resolution_in_Support_of_the_Palestinian_People.pdf.

K. University Leaders Have Fueled Campus Antisemitism

With some exceptions,⁹ university leaders have failed to respond effectively to the hostility and abuse that Jews have been enduring on campus. When the presidents of Harvard, the University of Pennsylvania, and MIT were asked at a congressional hearing on campus antisemitism whether calling for the genocide of Jews would violate their university’s harassment and bullying policies, not one directly responded. Instead, each university leader evasively insisted that it “depends on the context.” YouTube, *Presidents of Harvard, UPENN, & MIT Refuse to Condemn Calls for Genocide of Jews*, Testimony Before House Comm. on Educ. & the Workforce, Dec. 5, 2023, <https://www.youtube.com/watch?v=QuTfzcNIeDI>.

At Columbia University, four administrators responded to campus antisemitism by denigrating Jews and ridiculing their concerns. In an exchange of text messages, the administrators – three of whom were later permanently

9. University of Florida President Ben Sasse immediately condemned Hamas’ actions on October 7, 2023, stating, “I will not tiptoe around this simple fact: What Hamas did is evil and there is no defense for terrorism.” President Sasse also made it clear that there would be zero tolerance for antisemitic harassment and intimidation: “We will protect our Jewish students from violence. If anti-Israel protests come, we will absolutely be ready to act if anyone dares to escalate beyond peaceful protest. Speech is protected – violence and vandalism are not.” Charles C.W. Cooke, *UF President, Ben Sasse, Shows All Other Universities How to Write Public Statements*, National Rev., Oct. 11, 2023, <https://www.nationalreview.com/corner/uf-president-ben-sasse-shows-all-other-universities-how-to-write-public-statements/>.

removed from their positions – evinced behavior that, as Columbia acknowledged, “disturbingly touched on ancient antisemitic tropes.” Columbia University, *Messages from President Shafik and Provost Olinto*, July 8, 2024, <https://president.columbia.edu/news/messages-president-shafik-and-provost-olinto/>.

The administrators’ texts “accused Jewish students of coming from a ‘place of privilege,’ dismissed their concerns, disparaged officials responsible for Jewish student life, and insinuated that efforts to address the explosion of antisemitism on Columbia’s campus were merely a fundraising ploy.” H. Comm. on Educ. & the Workforce Press Release, *Columbia Administrators’ Texts Reveal New Depths of Apathy and Disdain Towards Jewish Students*, July 2, 2024, <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=411745>.

III. Campus Antisemitism Causes Pain and Suffering, Including to Jewish Faculty

Jewish faculty are among those in the Jewish community who have borne the painful and harmful effects of antisemitism on their campuses. In testimony before a congressional committee investigating campus antisemitism, Shai Davidai, Ph.D., a Jewish and Israeli assistant professor at Columbia Business School, described the “personal price” he has paid for speaking out against the antisemitism at Columbia. Professor Davidai received daily threats, and his home address and class schedule were posted online, inviting harassers. Members of pro-terror organizations publicly smeared members of his family, even publishing photographs of his young children. *U.S. H. Comm. on Ways & Means, Hearing on*

the Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of University Leadership, 118th Cong. (June 13, 2024) (statement of Shai Davidai, Ph.D.), <https://waysandmeans.house.gov/wp-content/uploads/2024/06/Davidai-Testimony.pdf> at 7.

Prompted by the silence and tolerance for antisemitism on their campuses, at least two Jewish professors left their faculty positions. One, who taught at Rutgers, made it clear that she was “not running away from antisemitism.” She was “running to embrace” the principles of “free inquiry and respect for diverse opinions within constructive bounds” – which did not reflect her experience at Rutgers. Rebecca Cypess, *Why I Left My Faculty Position at Rutgers*, Tablet Magazine, July 1, 2024, <https://www.tabletmag.com/sections/news/articles/rutgers-yeshiva-university-jewish-educational-principles>.

The second professor resigned from his position at MIT because he “could no longer deal with the pervasive antisemitism on MIT’s campus.” Mauricio Karchmer, *Why I Quit My Dream Job at MIT*, The Free Press, Jan. 9, 2024, <https://www.thefp.com/p/resigned-mit-october-7-antisemitism>. In his resignation letter, he explained that he cannot “teach those who condemn my Jewish identity or my support for Israel’s right to exist in peace with its neighbors.” *Id.*

The experiences of these professors are not unique. For years, Jewish faculty at universities across the country have endured hatred and hostility expressed toward them because they are Jews and, as an integral part of their Jewish identity, love and support their ancestral homeland, Israel. These problems have alarmingly intensified since October 7, 2023.

Petitioners have had to navigate this hateful, hostile and threatening climate at CUNY for years, some of it fueled by PSC. The ZOA respectfully urges the Court to consider this context in deciding whether Petitioners should be required to stomach even more, by being forced to accept that this union, whose antisemitic and anti-Israel views and positions are painful and abhorrent to Petitioners, must speak for them.

CONCLUSION

For the foregoing reasons and for the reasons stated by Petitioners, this Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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