



STATEMENT CONCERNING CUNY’S RESPONSE TO FATIMA MOHAMMED’S CUNY SCHOOL OF LAW COMMENCEMENT SPEECH

The New York City Bar Association (City Bar) has observed with concern the events following the commencement speech given by City University of New York (CUNY) School of Law graduate Fatima Mousa Mohammed, including the subsequent statement issued by the CUNY Board of Trustees. Like all members of a free society, Ms. Mohammed is entitled to speak her views without facing targeted harassment and threats.¹ We note with concern that Ms. Mohammed has been subjected to a torrent of Islamophobic and xenophobic harassment and threats to her personal safety. The City Bar condemns any discriminatory harassment or threats of bodily harm directed towards Ms. Mohammed, future and present members of the bar, or any other individual.

Background

Earlier this year, Ms. Mohammed was selected by her law school peers to deliver a speech at their graduation. Ms. Mohammed’s May 12, 2023 commencement speech addressed many topics – but in the weeks following her speech, there was news coverage of some of her remarks regarding the treatment of Palestinians by the state of Israel, conditions in New York City jails, and CUNY’s ties to the New York City Police Department (NYPD). On May 30, 2023, almost three weeks after Ms. Mohammed’s speech, the CUNY Board of Trustees released a statement calling her remarks “hate speech” that should “not be confused with free speech.” The statement described Ms. Mohammed’s remarks as a “public expression of hate toward people and communities based on their religious, race or political affiliation.” The statement did not specify which parts of Ms. Mohammed’s speech the CUNY Trustees considered “hate speech.”

Impact of CUNY’s Statement

The topics Ms. Mohammed addressed – Israel’s treatment of Palestinians, detention facility conditions, and the role of the police – are topics on which many in our profession have deeply held and strongly opposing views. We are therefore concerned that CUNY’s statement will stifle honest, impassioned debate on topics of pressing concern among those entering the legal profession.

The term “hate speech” rightly provokes strong reactions, but the term has no fixed legal definition. CUNY may express its view. Our concern is that by not specifying what language they

¹ The City Bar expresses no view on the substance of Ms. Mohammed’s speech, which addressed matters viewed by some as controversial.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

deemed to be “hate speech,” the CUNY Trustees effectively characterize Ms. Mohammed’s entire address as unacceptable speech. This condemnation not only suppresses the free exchange of ideas but also stifles intellectual growth and undermines the principles of academic freedom that are integral to the pursuit of knowledge and understanding. In particular, it risks deterring law students and recent law graduates from practicing and learning how to have difficult conversations on topics about which there is disagreement.

In another important context – criticism of the judiciary – we have raised concerns when “inappropriate and personal attacks” “crossed the line from fair criticism to intimidation.”² These same considerations apply, *a fortiori*, where the recipient of condemnation is a young immigrant woman of color at the outset of her career, and the powerful institution doing the criticizing has a position of authority and access to media to amplify its message. In our view, CUNY’s harsh and simplistic condemnation failed to account for these considerations.

Recommendation

While we strongly support the right to freedom of speech, including others’ right to debate and criticize the statements that Ms. Mohammed made during her address, the CUNY Trustees’ statement risks chilling free speech and debate among law students and the newest members of our profession, despite its ostensible embrace of those principles. The City Bar urges CUNY to reconsider its position and affirm its commitment to the principles of free speech and expression. We call on CUNY to clarify that speech – including political expression with which CUNY leadership and/or others may disagree or may regard as offensive – is protected First Amendment expression.

CUNY Law is a valuable and important institution in the New York legal community. Its defining feature is its explicit public interest mission. Many of its graduates go on to work in non-profit organizations and government agencies where, as counsel, they must be equipped to have difficult conversations on controversial topics. Inevitably, such debate may at times cause discomfort and offense. It is crucial that CUNY School of Law students and graduates have space to discuss and debate, without fear of institutional censure.

Civil Rights Committee
Molly Thomas-Jensen, Co-Chair
Evan Henley, Co-Chair

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² *Statement by City Bar President Roger Juan Maldonado on Comments by Elected and Appointed Officials that Denigrate or Threaten Judges* (Mar. 5, 2020), <https://www.nycbar.org/media-listing/media/detail/statement-by-city-bar-president-roger-juan-maldonado-on-comments-by-elected-and-appointed-officials-that-denigrate-or-threaten-judges> (last visited July 7, 2023).