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July 28, 2021

Honorable Letitia James
New York State Attorney General
The Capitol
Albany, NY 12224

Honorable Thomas P. DiNapoli
New York State Comptroller
110 State Street
Albany, NY 12236

Dear Attorney General James and Comptroller DiNapoli:

I am writing to you to request an opinion whether a resolution recently passed by PSC-CUNY in support of the Boycotts, Divestment and Sanctions campaign (BDS) against Israel, runs afoul of Governor Cuomo's Executive Order No. 157. If this resolution does violate State policy, as it appears to me it does, what actions and repercussions must the State take as a consequence of this resolution?

According to Executive Order No. 157, which Governor Andrew Cuomo issued on June 5, 2016, New York State agencies and authorities are directed to divest all public funds from organizations supporting the Boycotts, Divestment and Sanctions campaign against Israel. According to the Governor, this Executive Order (EO) is meant to ensure that this state will do everything in its power to end the hateful and intolerant BDS campaign against Israel. Enclosed please find the EO.

On June 10, 2021, the Professional Staff Congress (PSC) union representing faculty and staff at the City University of New York (CUNY) passed a one-sided resolution condemning Israel and sharing support for the BDS movement. According to news reports, at least 50 CUNY professors have resigned from the union in protest of this resolution and many others are considering resigning. I have enclosed the resolution for your review.

This anti-Semitic resolution comes at a time when anti-Semitism and hate crimes of all kinds have been on the rise. In 2020, anti-Semitic acts were near historic highs with 2,024 such cases reported across our nation, according to the Anti-Defamation League. In fact, FBI Hate Crime Statistics Report reveal that Jews are at least three times more likely to experience a hate crime than any other religious group in America. Jewish faculty and students at CUNY schools are increasingly fearing for their safety and believe their professors simply do not care.

Boycotting Israel serves only to undermine the legitimacy of its multi-ethnic democracy, oppose peace and promote hate. Those who advocate and engage in boycotts against Israel, and who promote anti-Semitic ideology, have no place in New York State. Bigotry, intolerance, and injustice must be confronted and stopped.

I appreciate your close review of this important issue and I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Simcha Felder". The signature is written in a cursive, flowing style.

Simcha Felder
Senator, 17th S.D.