



**Middle  
East  
Studies  
Association**  
of North America, Inc.

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March 7, 2016

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Dear Members of the New York State Senate and Assembly, and  
Governor Cuomo:

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to indicate our grave concern about two sets of bills already passed or under consideration by the Senate and Assembly of the State of New York: S.6378/A.9036 and S.6086/A.8220. In addition to posing a very dangerous threat to the constitutionally protected right to free speech, these bills undermine the principles of academic freedom which are so crucial to maintaining the integrity, autonomy and educational mission of New York's public and private institutions of higher education.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 3000 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within

the region and in connection with the study of the region in North America and elsewhere.

If enacted into law, these bills would authorize the State of New York to establish and maintain a list of persons, organizations and businesses who, as the text of the first set of bills referred to above puts it, “engage in any activity, or...promote or encourage others to engage in any activity, that will result in any person abstaining from commercial, social or political relations, with any allied nation, or companies based in an allied nation or in territories controlled by an allied nation, with the intent to penalize, inflict, or cause harm to, or otherwise promote or cast disrepute upon, such allied nation, its people or its commercial products.” While this specific set of bills defines “allied nation” to include any member of NATO or SEATO, any signatory of the Rio Treaty of 1947 other than Venezuela, Ireland, Israel, Japan and the Republic of Korea, the second set of bills makes the real intent of this legislative initiative clear by referring only to Israel. The individuals and entities placed on the state’s blacklist would be subjected to financial penalties, including (depending on the specific bill) being barred from doing business with the state or from receiving investment funds from it.

As the New York Civil Liberties Union has pointed out, these bills are unconstitutional because they punish individuals, organizations and businesses for engaging in politically motivated speech. But we are particularly concerned with their possible impact on faculty and students at the state’s colleges and universities. To blacklist individuals and entities who allegedly advocate “abstaining from commercial, social or political relations” with the State of Israel or with Israeli companies, including even those based in “territories controlled” by Israel (apparently a reference to the Israeli-occupied Palestinian territories) is to threaten faculty and students as individuals but also student and academic associations of many kinds. Both individuals and organizations could, for example, be blacklisted and subjected to economic sanctions merely for calling on their institutions to divest from companies that profit from, or help perpetuate, the Israeli occupation. This would gravely undermine academic freedom at New York’s institutions of higher education and impair the ability of faculty and students to engage in free and open discussion of the Israeli-Palestinian conflict.

We believe that everyone in New York – on campus and off – should be free to advocate for or against an economic boycott of Israel and of Israeli companies, and more broadly to express their views on the Israeli-Palestinian issue as on any other issue of public concern, without fear of monitoring and sanction by the state government. The



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creation of political blacklists, especially blacklists sponsored or endorsed by any level of government, is a distressing and dangerous throwback to the days of the “Red Scare” of the 1950s. It had devastating consequences for academic life and for institutions of higher education then, and it would likely have similar consequences now.

We therefore call on the leaders of the New York State Senate and Assembly to publicly and vigorously oppose these bills and to do everything within their power to prevent passage of any of them. We further call on Governor Cuomo to declare his intention to veto these and any similar bills should they eventually reach his desk.

Yours sincerely,

A handwritten signature in black ink that reads 'B. Baron' followed by a long horizontal flourish.

Beth Baron  
MESA President  
Professor, City University of New York

A handwritten signature in black ink that reads 'Amy W. Newhall' in a cursive style.

Amy W. Newhall  
MESA Executive Director  
Associate Professor, University of Arizona