



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
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May 31, 2026

**BY EMAIL**

Hon. Harmeet K. Dhillon, Esq.  
Assistant Attorney General for Civil Rights  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530

**Re: Civil Rights Complaint Against The City University of New York and The City of New York**

Dear Assistant Attorney General Dhillon:

The Equal Protection Project of the non-profit Legal Insurrection Foundation seeks to ensure equal protection under the laws and opposes unlawful discrimination in any form. We write to request that the Department of Justice (“DOJ”) open an investigation into and take appropriate action against the City University of New York (“CUNY”) and the City of New York (“NYC”) for creating, funding, supporting, and administering the CUNY Black Male Initiative (“BMI”), a system-wide educational program that, as described and promoted by CUNY, recruits on the basis of race and ethnicity.

As outlined here and in the accompanying exhibits, BMI’s structure, stated purpose, and promotion appear to violate both Title VI and the Equal Protection Clause of the Fourteenth Amendment by engaging in systemic race- and ethnicity-based recruitment in violation not only of U.S. Supreme Court authority but also DOJ guidance regarding university compliance with

the civil rights laws.<sup>1</sup> BMI's racial and ethnic recruitment also violates the nondiscrimination laws of both NYC<sup>2</sup> and the State of New York<sup>3</sup> as well as the nondiscrimination policy of CUNY itself.<sup>4</sup> But because each of these entities tasked with preventing discrimination is involved in the funding, operation, and/or promotion of BMI, only DOJ investigation and action can assure that the civil rights laws are enforced.

The size and impact of CUNY also calls out for DOJ action. CUNY is a major educational and economic force in New York City, comprising over 200,000 students with a multi-billion dollar budget<sup>5</sup> supported by tens of millions of dollars in federal support annually.<sup>6</sup> Approximately three quarters of CUNY students are "students of color"<sup>7</sup> with males representing approximately 40-45 percent of such groups.<sup>8</sup> White students are a minority at CUNY.

BMI's structure is designed to and does segregate a large segment of the student population based on race and ethnicity. BMI is a university-wide initiative publicly described as serving "students from groups that are severely underrepresented in higher education, in particular African, African American/Black, Caribbean and Latino/Hispanic males."<sup>9</sup>

BMI's educational benefits are valuable and should be promoted equally to all students who need educational assistance regardless of race, color, or ethnicity. However, BMI's goals, programming, and promotional materials repeatedly identify favored racial and ethnic groups and communicate that the program is intended for those groups. This race- and ethnicity-based recruitment by BMI is now pervasive throughout the CUNY system.

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<sup>1</sup>Memorandum from the United States Attorney General Pamela Bondi, July 29, 2025. Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination.  
[https://www.justice.gov/ag/media/1409486/dl?inline=&utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/ag/media/1409486/dl?inline=&utm_medium=email&utm_source=govdelivery).

<sup>2</sup> 8 N.Y.C. Admin. Code § 8-107 (2023)

<sup>3</sup> N.Y. Executive Law §§ 290 et seq.

<sup>4</sup> <https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/equal-opportunity-and-non-discrimination-policy/> [https://archive.is/Yifl2][accessed May 25, 2026]

<sup>5</sup> <https://comptroller.nyc.gov/reports/spotlight-cuny-and-the-new-york-city-economy/> [https://archive.is/9581o] (accessed May 24, 2026)

<sup>6</sup> <https://www.cuny.edu/news/cuny-receives-a-record-25-million-in-federal-funding-from-senators-schumer-and-gillibrand-rep-jeffries-and-new-york-citys-congressional-delegation/> [https://archive.is/N6Xnx] (accessed May 24, 2026)

<sup>7</sup> <https://comptroller.nyc.gov/reports/spotlight-cuny-and-the-new-york-city-economy/> [https://archive.is/9581o] (accessed May 24, 2026)

<sup>8</sup> Id.

<sup>9</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/staff/> [https://archive.is/wip/zmTej] (accessed May 22, 2026).

If CUNY had a “White Male Initiative” structured similarly to BMI such race-based recruiting would not be tolerated much less funded and promoted. It is up to DOJ to ensure that the civil rights laws are enforced in a race-neutral manner.

## **I. CUNY’S BLACK MALE INITIATIVE – BACKGROUND AND STRUCTURE**

As stated on CUNY’s website, “[a]s a CUNY-wide initiative, CUNY BMI’s mission is to increase, encourage, and support the inclusion and educational success of students from groups that are severely underrepresented in higher education, in particular African, African American/Black, Caribbean and Latino/Hispanic males.”<sup>10</sup>





BMI provides valuable academic and career support through tutoring, supplemental instruction, and related programming. CUNY further explains that these “academic enhancements” are designed to foster a sense of inclusion for targeted students through conferences, speaker series, workshops, and other programming intended to increase integration into the college environment and improve persistence and graduation outcomes.<sup>11</sup>

# Who We Are

## **Vision**

CUNY BMI's vision is to create model programs throughout the University that are intended to provide additional layers of academic and social support for students from populations that are severely underrepresented in higher education, particularly African, African American/Black, Caribbean and Latino/Hispanic males. It is expected that BMI program activity will be institutionalized and absorbed into academic departments and student affairs offices throughout the University for the benefit of students from underrepresented populations including African, African American/Black, Caribbean, and Latino/Hispanic males and, ultimately, all CUNY students.

## **Goals**

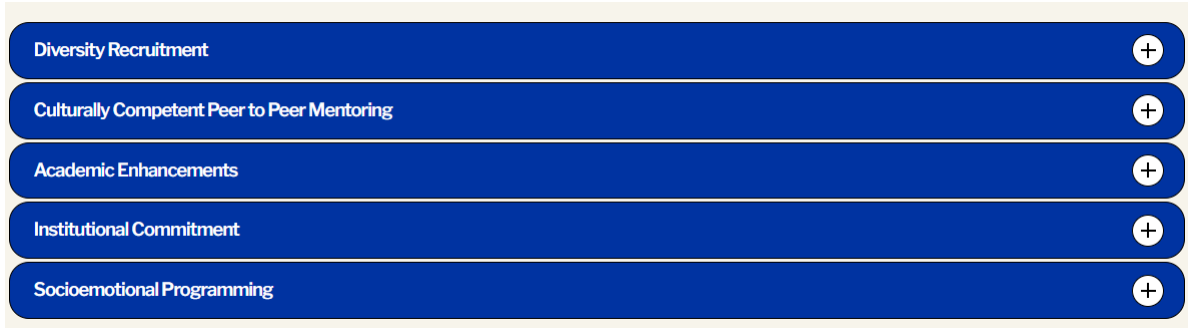
-  Increase the enrollment and matriculation of underrepresented students.
-  Increase retention of underrepresented students.
-  Improve the overall grade point average of underrepresented students.
-  Increase the graduation rate of underrepresented students.

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<sup>10</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/staff/> [<https://archive.is/wip/zmTej>] (accessed May 22, 2026).

<sup>11</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/staff/> [<https://archive.is/wip/zmTej>] (accessed May 22, 2026).

BMI operates across the CUNY system and “works in six strategic areas” aimed at increasing enrollment and retention of students from specified demographic groups. In practice, participants receive access to dedicated staff, specialized programming, and events offered exclusively through the initiative.<sup>12</sup>



CUNY has established BMI programming throughout its system, including at senior colleges, community colleges, the Graduate Center, and the CUNY School of Law. The initiative centrally manages the effort, focused explicitly on “African, African American/Black, Caribbean and Latino/Hispanic males and other underrepresented groups,” and is implemented through coordinated campus-level programs and centralized administration.<sup>13</sup>

CUNY’s Black Male Initiative lists twenty-four campuses on which it is operating:

- Baruch College
- Borough of Manhattan Community College
- Bronx Community College
- Brooklyn College
- College of Staten Island
- CUNY Black Male Initiative – Central Office
- CUNY Graduate Center
- CUNY Office of Academic Affairs
- CUNY School of Law
- CUNY School of Labor and Urban Studies
- CUNY School of Medicine
- CUNY School of Professional Studies
- Guttman Community College
- Hostos Community College
- Hunter College

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<sup>12</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/events/>  
[<https://archive.ph/wip/GmNeO>] (accessed May 22, 2026).

<sup>13</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/campus-programs/>  
[<https://archive.is/wip/2zpxJ>] (accessed May 22, 2026).

- John Jay College of Criminal Justice
- Kingsborough Community College
- LaGuardia Community College
- Lehman College
- Medgar Evers College
- New York City College of Technology
- Queens College
- Queensborough Community College
- York College<sup>14</sup>

The Exhibits to this Civil Rights Complaint document the operation of BMI across the CUNY system. Each campus operates its own Black Male Initiative. These programs, while varying in structure and name, consistently reflect the same race- and ethnicity-based recruiting and programming focus.

For example, at the CUNY School of Labor and Urban Studies, the BMI Leadership Program is expressly “designed to increase and support the enrollment, retention, and graduation of students underrepresented in higher education, particularly men of color.”<sup>15</sup> This description identifies specific demographic groups as the intended beneficiaries, reinforcing the initiative’s race-based focus.



The screenshot shows the website for the CUNY School of Labor and Urban Studies. The header includes the school's logo and name, along with navigation links for Request Info, Academics, Administration, Prospective Students, Current Students, and Tuition & Financial Support. A secondary navigation bar lists ABOUT, ADMISSIONS, LABOR STUDIES, URBAN STUDIES, WORKER EDUCATION, and PUBLIC ENGAGEMENT. The main content area features a sidebar with links to Student Services, Campus & Student Life, Student Events, Student Leadership Opportunities, BMI Leadership Program (highlighted), Voter Registration, Center for Public Engagement, LGBTQI+ Community, Academic Resources, Academic & Student Policies, and CUNY Discrimination, Harassment, and Retaliation Reporting. The main content area displays the CUNY BMI logo (a blue graduation cap above the text 'CUNY BMI BLACK MALE INITIATIVE') and a description of the program: 'The CUNY BMI-SLU Leadership Program is designed to increase and support the enrollment, retention, and graduation of students underrepresented in higher education, particularly men of color.' Below this, a 'Get Involved' section encourages users to join, become a mentor, and participate in events. A 'Contact' section lists Michael Gilbert as the Academic Program Specialist.

<sup>14</sup> *Id.*

<sup>15</sup> <https://slu.cuny.edu/academic-affairs/student-affairs/campus-student-life/bmi-leadership-program/> [<https://archive.ph/wip/HQE7u>] (accessed May 22, 2026).

Similarly, at the CUNY School of Law, the “Pipeline to Justice” program—launched as part of the Black Male Initiative—seeks to prepare students “from underrepresented communities” for admission to law school and is explicitly framed as advancing efforts to “diversify the legal profession.”<sup>16</sup> The program emphasizes recruitment of individuals whose backgrounds align with these diversity goals, further demonstrating the initiative’s demographic targeted recruitment.

At Hunter College, the Black Male Initiative operates through the “Brothers for Excellence” program, which focuses on supporting Black and Latino male students through mentoring, leadership development, and academic support.<sup>17</sup> Although program materials state that participation is open to all students, the program’s mission and branding emphasize service to specific racial and gender groups and describe its purpose as addressing challenges faced by “young men of color” in higher education. As described below in our legal discussion, such race- and ethnicity-based racial targeting is unlawful as it necessarily would dissuade students from other racial and ethnic groups from applying.

These campus-level programs illustrate that BMI is not a neutral or generalized academic support initiative. Rather, across multiple campuses, it is consistently structured, described, and promoted as serving particular racial and ethnic groups. This repeated emphasis reinforces the broader system-wide message that participation is intended for those identified groups, contributing to the discriminatory signaling described above.

The title “Black Male Initiative,” combined with CUNY’s repeated emphasis on specific race-based groups, communicates a clear preference for participation by those groups. Regardless of whether participation is formally restricted, this express focus and repeated identification of favored demographics functions as unlawful race-based signaling.<sup>18</sup> Such messaging is likely to deter students who do not fall within the identified categories from participating. Certainly, no one would dispute that if CUNY had a “White Male Initiative” structured similarly to BMI it would dissuade non-Whites from participating. Since the civil

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<sup>16</sup> <https://www.law.cuny.edu/admissions-and-aid/pipeline-to-justice/> [archive.is/wip/HxV28] (accessed May 22, 2026).

<sup>17</sup> <https://www.hunter.cuny.edu/news/brothers-for-excellence-20-years-of-collective-success/> [archive.is/wip/m7UHf] (accessed May 22, 2026).

<sup>18</sup> The disclaimer at the bottom of the BMI main website that BMI is “open to all academically eligible students, faculty and staff, without regard to race, gender, national origin or other characteristic” is not legally exculpatory given the pervasive race- and ethnicity-based recruiting. As discussed in the legal section below, the race- and ethnicity-based recruiting is unlawful even if other groups are not absolutely excluded, much like the Asian students in the SFFA case, *infra*, suffered unlawful discrimination even though not completely excluded. If anything, this perfunctory disclaimer reflects a consciousness of guilt that CUNY recognizes its recruiting is unlawful.

rights laws and Equal Protection Clause are race-neutral, DOJ should insist on race-neutrality as to BMI.

## **II. CITY OF NEW YORK INVOLVEMENT**

BMI was created with the involvement of New York City officials, is funded in part through municipal appropriations, and continues to operate within a framework of coordinated government support.<sup>19</sup> The program is not merely a university initiative but reflects an ongoing partnership between CUNY and NYC.<sup>20</sup>



Public statements from officials involved in BMI's creation confirm NYC's role in establishing the initiative. Leroy Comrie, a former New York City Council member and current New York State Senator, has stated: "As one of the founders of the Black Male Initiative during my tenure in the New York City Council, I am proud to continue my support of the program as a member of the New York State Senate." This statement reflects that BMI was developed with direct participation from NYC policymakers and has continued to receive governmental backing since its inception.<sup>21</sup>

Following its creation, BMI has been funded through a combination of New York City Council discretionary allocations, New York State appropriations, and resources administered through CUNY. New York City has provided direct financial support through its annual budget process, including allocations of \$1.5 million in Fiscal Year 2015 and \$2.0 million in Fiscal Year 2016, with continued appropriations in subsequent years. These funds are distributed across participating campuses to support BMI programming, including recruitment, mentorship, and academic services.<sup>22</sup>

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<sup>19</sup> <https://amsterdamnews.com/news/2025/03/13/black-male-initiative-at-cuny-celebrates-20-years/> [archive.is/wip/3Ky13] (accessed May 22, 2026).

<sup>20</sup> [https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/home-preview/bmi/2005\\_CUNY\\_BMI\\_Task\\_Force\\_Report\\_to\\_the\\_CUNY\\_Chancellor\\_September\\_12\\_2005.pdf?](https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/home-preview/bmi/2005_CUNY_BMI_Task_Force_Report_to_the_CUNY_Chancellor_September_12_2005.pdf?) [archive.is/wip/zDQPz] (accessed May 22, 2026).

<sup>21</sup> <https://www.cozen.com/news-resources/news/2023/public-strategies-secures-historic-funding-for-pro-bono-client-cuny-bmi> [archive.ph/wip/XC35w] (accessed May 22, 2026).

<sup>22</sup> <https://www.cuny.edu/academics/current-initiatives/bmi/campus-programs/> [https://archive.is/wip/fwfl4] (accessed May 22, 2026).

In addition to direct funding, BMI has been formally incorporated into broader NYC programming. The City’s Young Men’s Initiative (“YMI”), a multi-agency government program with a budget exceeding \$31 million, identifies BMI as one of its funded programs and initiatives.<sup>23</sup> YMI is designed to coordinate policies, programs, and partnerships addressing disparities among Black and Latino populations across multiple sectors, including education, employment, and public health. By including BMI within this framework, New York City has integrated the initiative into a coordinated municipal policy structure.<sup>24</sup>



The graphic features a purple header with the NYC logo, 'YOUNG MEN'S INITIATIVE', and 'Program Budget FY22 UPDATE'. Below this, a yellow box contains the text under the heading 'MISSION'.

**MISSION**

New York City Young Men’s Initiative (YMI) was created as a public-private partnership to address increasing disparities among black and Latino people between the ages of 16 and 24 in **education, employment, health, and justice**. The YMI mission is to develop and champion policies, programs, and partnerships that holistically support the success of young people throughout NYC.

BMI programming is implemented using public university infrastructure, including campus facilities, staff, and administrative systems, and is integrated into CUNY’s broader academic and student services framework. Through this combination of funding, policy coordination, and operational support, NYC plays a direct and ongoing role in sustaining and advancing BMI.

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<sup>23</sup> <https://www.nyc.gov/site/yimi/initiatives/programs.page> [<https://archive.is/wip/FJgN2>] (accessed May 22, 2026).

<sup>24</sup> <https://www.nyc.gov/assets/yimi/downloads/pdf/YMI-Budget.pdf> [<https://archive.is/wip/dbASp>] (accessed May 22, 2026).

### **III. LEGAL DISCUSSION – THE BLACK MALE INITIATIVE VIOLATES THE LAW**

CUNY and NYC, as recipients of federal financial assistance and as state actors, are subject to Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the Fourteenth Amendment. The conduct described above—namely, the creation, funding, promotion, and administration of BMI as a program that expressly favors and recruits participation based on race, color, and ethnicity (national origin)—constitutes unlawful discrimination under both frameworks.<sup>25</sup>

Title VI prohibits intentional discrimination on the basis of race, color, or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” encompasses “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A). BMI is a “program or activity” within the meaning of Title VI. As noted in *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th Cir. 2020), “Title VI prohibits discrimination on the basis of race in federally funded programs,” and therefore applies to universities receiving federal financial assistance. Because both CUNY and NYC receive federal funding, including funding to NYC from the DOJ,<sup>26</sup> they are subject to Title VI.

BMI is not only explicit in its racial targeting, but it also signals discrimination through CUNY’s website. As described above, race- and ethnicity-based recruiting is a fundamental part of BMI’s promotion by CUNY.

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<sup>25</sup> In 2012, the Obama Department of Education relying in part on no longer operative Department of Justice guidance as to what was permitted in promoting diversity, determined that “it is permissible for a college to conduct race-targeted recruiting” and accordingly that the BMI program was consistent with federal civil rights laws. *See* <https://equalprotect.org/wp-content/uploads/2026/05/Obama-Department-of-Education-CUNY-Resolution.pdf> [<https://archive.is/wip/GgAS4>] (accessed May 22, 2026).

That legal finding was wrong at the time and has been rejected in subsequent case law, most prominently reflected in the 2023 Supreme Court ruling in *Students for Fair Admissions, infra*, (“SFFA”). Under SFFA, and the cases upon which it relied, racial recruitment classifications such as those used in the BMI program are presumptively unconstitutional and can only survive if narrowly tailored to achieve a compelling governmental interest — a standard BMI cannot meet. Moreover, since 2012 BMI has expanded greatly and is more aggressive in its racial recruitment. Accordingly, the legally and factually stale 2012 Department of Education ruling has no binding or even persuasive impact here.

<sup>26</sup> [https://www.usaspending.gov/award/ASST\\_NON\\_15PBJA21GK02798ECON\\_015](https://www.usaspending.gov/award/ASST_NON_15PBJA21GK02798ECON_015) [<https://archive.is/wip/BSLKR>] (accessed May 22, 2026).

Courts evaluate potentially discriminatory messaging based on its effect on an “ordinary reader,” rather than the speaker’s stated intent. The relevant inquiry is whether the message would convey that individuals of a particular race or national origin are preferred or discouraged from participating. Here, CUNY’s racial and ethnic signaling is not subtle, but even subtle messaging can convey discriminatory preferences See *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991); *Jancik v. Dep’t of Hous. & Urb. Dev.*, 44 F.3d 553, 556 (7th Cir. 1995); *Hous. Rts. Ctr. v. Donald Sterling Corp.*, 274 F. Supp. 2d 1129, 1138 (C.D. Cal.), aff’d, 84 F. App’x 801 (9th Cir. 2003). In other words, the perception of a reasonable observer controls whether a communication operates as discriminatory signaling, regardless of the speaker’s subjective intent. *United States v. Hunter*, 459 F.2d 205, 215–16 (4th Cir. 1972).

It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 661 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); accord *Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (2023)(“SFFA”) (Gorsuch, J., concurring).

As NYC is a city government and CUNY is a public institution, their offering, promoting, and administering of BMI also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions*, the Supreme Court declared that “[e]liminating racial discrimination means eliminating all of it .... The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal.” *Id.* at 206 (cleaned up). “Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208. Consequently, “[a]ny exception to the Constitution’s demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny.” *Id.* at 208 (internal quotation marks and citation omitted). BMI cannot withstand that exacting standard.

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove “that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate.” *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, CUNY and NYC cannot carry this burden.

A “racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.” *Shaw v. Reno*, 509 U.S. 630, 643–44

(1993) (citation omitted). Here, CUNY and NYC cannot demonstrate that recruiting based on race, color, or ethnicity (national origin) serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on immutable characteristics “are so seldom relevant to the achievement of any legitimate state interest” that government policies “grounded in such considerations are deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985). There is no reason why the educational assistance benefits offered and promoted through BMI could not be promoted to all students on a race neutral basis so that the entire CUNY student population in need of help could benefit without regard to race, color, or ethnicity.

The Supreme Court has recognized only two interests compelling enough to justify racial classifications. The first is remedying the effects of past *de jure* segregation or discrimination in the specific industry and locality at issue, where the government played a role. The second is “avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Students for Fair Admissions*, 600 U.S. at 207 (citation omitted). Neither applies here.

If BMI is intended to achieve racial balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 726, 730 (2007) (“Accepting racial balancing as a compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual, or national class”) (cleaned up, citation omitted). And in any event, CUNY already appears to have a robust racial and ethnic diversity in which Whites are the minority.

By recruiting on the basis of race, color, and ethnicity (national origin), CUNY’s BMI violates Title VI and the Equal Protection Clause of the Fourteenth Amendment.

### **Request For Investigation And Enforcement**

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505 (citation omitted). This is true regardless of which race suffers – discrimination against White applicants is just as unlawful as discrimination against Black or other non-white applicants. As Justice Thomas correctly noted in *Students for Fair Admissions*, race-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” 600 U.S. at 287 (Thomas, J., concurring).

Because the discrimination outlined above is presumptively illegal, the Department of Justice has the authority and responsibility to investigate and enforce compliance with Title VI and the Equal Protection Clause of the Fourteenth Amendment. We therefore respectfully

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request that the Civil Rights Division open a formal investigation into CUNY's Black Male Initiative and take appropriate enforcement action to ensure that CUNY and NYC comply with federal law.

Respectfully submitted,

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