

Commentary **Constitutional Law**

## Mayor Mamdani, Governor Hochul and the NYC Jewish Community

David Saxe and Y. David Scharf offer their opinion that Mayor Zohran Mamdani's statements and policies toward Israel and antisemitism may raise concerns for the New York City's Jewish community.

February 02, 2026 at 10:00 AM By **Y. David Scharf** **David Saxe**



**Y. David Scharf, left, and David B. Saxe. Courtesy photos**

The New York City Jewish Community has significant concern over the ascendancy of Zohran Mamdani to the position of Mayor of New York City. A recent poll taken by the Sienna Research Institute revealed that 72% of Jewish New Yorkers believe that Mamdani will be “bad” for the city and that 67% view him unfavorably.

The inquiry begins with Mayor Mamdani's clear repudiation of the definition of antisemitism promulgated by the International Holocaust Remembrance Alliance (IHRA) – “a certain perception of Jews which may be expressed as hatred toward Jews,” *including rhetoric and actions targeting Jews, their property, institutions and the State of Israel.*

Examples embraced by the definition include justifying or calling for the harming of Jews and using dehumanizing stereotypes. The definition has received wide acceptance and was adopted by New York City through an executive order issued by mayor along with another mayoral order of the prior administration outlawing the campaign to boycott Israel by eliminating the Boycott, Divestment and Sanctions Movement (BDS) directed at New York City agencies.

Governor Kathy Hochul has supported the IHRA definition of antisemitism but, to date, has not formally codified it through an executive order into New York State law. She has demonstrated her support through an official non-binding proclamation describing the IHRA definition as a vital resource. Hochul's proclamation, issued not as an executive order, but as a non-binding proclamation, falls short of the language utilized in the ex-mayor's executive order ("the City of New York recognizes," and "City agencies shall consider as appropriate" and City agencies are encouraged to use these materials as appropriate to facilitate...a more thoughtful response to harmful antisemitic behavior "versus ..." the IHRA working definition is a *vital resource* (emphasis added) in the struggle against antisemitism ..."

Words matter and although Governor Hochul's resistance does not approach Mayor Mamdani's outright repudiation, it is worth watching as the governor will be involved in a primary election contest as well as most probably a significant general election challenge this coming year and will be swarmed by many on the progressive left, supporters of the new Mayor who will likely have much to say about her position on this as well as other issues of concern to the Jewish Community.

Although during the election cycle then-candidate Mamdani made the obligatory visits to some synagogues with a kippah on his head, and while he generally condemned antisemitism and pledged himself and his administration to protect Jewish New Yorkers, a personal feeling of uneasiness, concern and even gloom among the New York City Jewish community persisted.

Ample reasons exist, all of which tie his words and actions to his refusal to recognize the IHRA definition for antisemitism; they may be summarized as follows:

- He has been a proponent of the incendiary-phrases "From the River to the Sea" and "Globalize the Intifada," those calls being connected to on-going demonstrations and violence directed at Jews, although he has recently recanted the latter one;
- He did not unequivocally condemn the harassment by anti-Israel demonstrators outside the Park East Synagogue, of Jewish worshippers inside the synagogue who were attending a forum organized by Nefesh B'Nefesh a Zionist Organization that assists Jewish immigration to Israel. Mamdani's team criticized the synagogue describing the event inside as a violation of

international law – this aside from the fact that this demonstration impeded access to the synagogue in violation of federal law;

- He is an avowed anti-Zionist who has embraced a “Palestine First Policy” (see Lake, “The Palestine Firsters,” Commentary January 2026, p. 16);
- He has indicated support for the Boycott Divestment and Sanctions Movement (BDS) and has not stated that Israel has a right to exist as a Jewish state;
- He has described Israel’s action in Gaza as “Genocide” which it is clearly and definitionally *not* and has strongly condemned U.S. military aid to Israel;
- He has accused Israel of practicing “apartheid” in Gaza;
- He condemned Israel, and Israel’s declaration of war in Gaza at an October 8 rally, without even mentioning Hamas;
- He told a panel discussion in 2023, “We have to make clear that when the boot of the NYPD is on your neck, it’s been laced by IDF;”
- He has vowed to direct the New York Police Department to enforce an International Criminal Court (ICC) arrest warrant for Israeli Prime Minister Benjamin Netanyahu if Netanyahu enters New York City;
- He said during his campaign for office that he would “assess” the Technion Institute’s presence in New York City;
- He has, as a state assemblyman, supported legislation known as the “Not on Our Dime Bill,” aimed at stripping the tax-exempt status of New York based not-for-profit organizations that funded Israeli settlements in the West Bank.

While some of these positions might appear initially as merely criticisms of the existing Israeli government, each of these examples violate the IHRA definition of antisemitism, a definition he refuses to accept lest he be in clear violation of its terms and very essence.

Are there steps that the New York City Jewish community can undertake to protect itself aside from looking ahead to a future election cycle?

Using the IHRA definition as a template, New York City Jewish organizations can monitor and track the temperature of the Mamdani administration. If such monitoring, whether by the ADL (which has already launched a “Mamdani Monitor”) or some other organization finds a disturbing

pattern of municipal action or inaction with respect to the Jewish community, an unusual and rarely invoked remedy is available for use by the governor of New York and through the courts.

Specifically, the governor of New York has the authority to remove from office, among certain public officials, the mayor of New York City for misconduct, after providing the mayor with written charges and an opportunity to be heard (NY Public Officers Law Section 33).

Removal under this provision requires specific charges related to job performance or serious official misconduct *or a violation of public trust*.

The statute also provides that pending preparation and disposition of the charges, the governor may suspend the mayor for up to 30 days. A notable invocation of that law occurred in 1932 when then Governor Franklin D. Roosevelt initiated removal proceedings against New York City Mayor Jimmy Walker on charges of corruption. Walker's removal ended when he abruptly resigned from his office.

Section 9 of the New York City Charter also speaks to this issue. It provides that the mayor may be removed from office by the governor also "based on charges" after service of a written copy of those charges and by his being afforded the right to be heard in his defense. Suspension for up to 30 days is provided; this charter provision, it is safe to say, is historically unprecedented. Article XIII, Section 5 of the New York State Constitution provides constitutional authorizations for these parallel systems of Mayoral removal.

Governor Hochul considered invoking the removal power against Mayor Eric Adams following his federal indictment for corruption but, in the end, took no action. Other than the matter involving former Mayor Jimmy Walker, removal of a New York City Mayor has never been authorized by a governor. It would be a highly charged event with grave political overtones. Little or nothing is known about the mechanics of such a proceeding. Would judicial oversight be entertained, through perhaps an Article 78 proceeding brought by the aggrieved Mayoral office-holder? That is, as of now an unanswered question although the grant of sovereignty to the governor seems almost absolute and the attendant discretionary authority virtually absolute as well.

New York State, unlike some other jurisdictions (i.e. California) doesn't provide recall procedures to eliminate office holders who have fallen out of favor. But, at the same time New York has vested in its Chief Executive, the Governor, the power, authority and discretion to remove certain office-holders who have strayed badly from the mandates of their office and the New York City Jewish Community should not only hold Governor Hochul accountable in the upcoming election but should be aware that she can hold Mayor Mamdani accountable to Jewish Community if he continues to "violate the public trust."

Another remedy possibly useful in a removal effort lies buried in the New York City Charter. Section 1109 is a little used provision entitled “Summary Inquiry” that properly utilized might provide necessary background material for an eventual removal process. The section permits a summary inquiry:

*into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first second or eleventh judicial district on application of the mayor, the comptroller, the public advocate, any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other Justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answers given by a witness in such inquiry shall not be used against such witness in any criminal proceeding, except that for all false answers on material points such witness shall be subject to prosecution for perjury. The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second or eleventh judicial district as the justice may direct, and shall be a public record.*

Properly instituted, such a summary inquiry might explore allegations of “neglect of duty” that would be directed against the Mayor and his administration (See *Matter of James v. Farina*, 171 A.D. 3d 44 (1st Department, 2019), which clarified that judicial inquires under NYC Charter §1109 are reserved for clear “violations or neglect of duty” rather than administrative failures.

The court established a strict standard for defining “neglect of duty” defining it as a specific mandated responsibility rather than general administrative inefficiency. We believe that the issues of concern by the New York City Jewish Community described here have everything to do with the basic responsibilities that government owes to its citizens concerning their safety and their rights to have their person and property protected by the local constabulary and municipal administration.

The scope of such future inquiry might cover initially the possibility that the New York Jewish Community was experiencing increasing levels of antisemitic demonstrations, violent encounters, the continued and unabated levels of hate crimes directed at Jews in New York City and threats

generally to the safety of its constituents, without adequate response by the Mamdani administration

We hope that the issues of concern being voiced by the New York City Jewish Community regarding perceptions surrounding Mayor Mamdani's statements and positions concerning Jews and Israel, many of which reflect antisemitic tropes, become muted during his administration. We hope that Mayor Mamdani remains committed to insuring that there is no place in his administration or on the streets of New York City for discriminatory acts to be practiced against Jews.

But, there is reason for concern. The ADL has recently issued a report that reveals there are a significant number of Mayor Mamdani's transition team, administration hires or other Mamdani influencers who have either a "documented history of making anti-Israel statements" or ties to radical anti-Zionist organizations that promote terror and harass Jewish people. Such groups include Students for Justice in Palestine (SIP), Jewish Voice for Peace (JVP) and Within Our Lifetime (WOL) which routinely glorify Hamas and harass Jewish college students and stage protests outside synagogues.

Monitoring by the Jewish Community will be vital. Serious questions remain that grow out of the concerns of the Jewish Community:

- Will the mayor's existing history exacerbate antisemitic incidents;
- Will the customary and historical restraints and safeguards that have served and protected the Jewish Community be reduced or even eliminated;
- Will the anti-Zionist rhetoric that will now flow more freely since the mayor explicitly rejected the IRHA definition of antisemitism be translated into real time incidents of violence and harm, marginalizing Jews who support Israel. In short, will there be more hate crimes?
- Will a sense of "permissiveness" concerning anti-Zionist rhetoric lead to opportunistic demonstrations of hate toward Jews?
- Will the increase in antisemitic rhetoric find its way into the school curricula in New York City? Will the bullying of Jewish students increase as the biased teaching concerning Israel-Palestinian issues becomes the norm?
- Will the mayor continue to be comfortable making disparaging comments such as he made about the forum that was held at the Park East Synagogue a few months ago ("promoting activities in violation of international law") raising alarms in the Jewish Community about restrictions on Jewish Community activities?

- Will the mayor's historical aversion to the New York City Police Department (despite recent recantations), such as his prior support for defunding the NYPD and his opposition to police intervention in the protests at Columbia, mean that he might be willing to provide a lesser level of police protection security for synagogues and for Jewish events, in particular?
- Will the administration be more willing to sever New York City contracts with Israeli entities, causing economic harm to Jewish owned businesses?
- Will there be any discernable changes in the level of municipal services provided to traditionally Jewish neighborhoods in New York City?
- Will this administration tolerate appointees with backgrounds that include persistent antisemitic exhortations?

These are important and vital questions that affect the New York City Jewish Community and Jews elsewhere throughout the United States as they consider and worry about the possibility that Mayor Mamdani's thinly disguised prejudice toward Israel and to those Jews aligned with its continued existence will become embedded into the fabric of New York City policy.

We will also need to be watchful of Governor Hochul, normally a supporter of the Jewish community, as she navigates a Democratic primary that will of necessity, pull her leftward. She endorsed Mayor Mamdani during the mayoral election last year and will surely expect a return endorsement. Whether that will come with some demands by the anti-Zionist, antisemitic progressive section of both the Democratic Party and the Democratic Socialists aligned with the Mayor remains to be seen.

The New York City Jewish Community must be vigilant and alert to the direction that the mayor and his administration take to the issues we have pointed out. Our governor should be included in this vigil less she reverts to a state of comfortable wobbliness.

It is dangerous for our community to ignore these realities, remaining passive, by putting their collective head in the sand as if these problems evaporate. We must avoid at our peril the tendency to adopt a wait-and-see approach and must work together and do something about it because we have rights and remedies to safeguard and promote.

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<https://www.law.com/newyorklawjournal/2026/02/02/mayor-mamdani-governor-hochul-and-the-nyc-jewish-community/print/>

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