

# *Israel-Hamas Posts Cost 2 Doctors Their Jobs. Then Their Fates Diverged.*

Both doctors worked for NYU Langone in New York. In a legal filing on Thursday, one doctor said the decision not to rehire him was unfair after his colleague appeared to get his job back.



By Joseph Goldstein

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Late last year, a major New York hospital system removed two doctors from their jobs for their social media postings about Israel and Hamas.

One doctor, a prominent cancer researcher in his 60s, was outspoken in defense of Israel and had posted a variety of anti-Hamas political cartoons, including some with offensive caricatures of Arab people. The other, a young doctor-trainee at the start of his career, was accused of posting a message on Instagram that defended the Oct. 7 Hamas attack on Israel.

The actions of the hospital against the two doctors — each one supporting an opposite side of the conflict — drew the hospital system, NYU Langone Health, into the national debate over the legality and propriety of firing people for their online postings. Dozens of people across the country have been fired for online posts about the Israel-Hamas war.

In the three months since the doctors were removed from their jobs, however, their fates have diverged.

The cancer researcher, Dr. Benjamin Neel, is now embroiled in an increasingly bitter lawsuit with N.Y.U. and NYU Langone, rife with allegations of retaliation, hypocrisy and academic misconduct. He is still a tenured professor at N.Y.U.'s

medical school, where he earns a salary of \$585,000. But following his online posts, he was fired from his job as the director of N.Y.U.'s cancer center, which came with an additional salary of \$1,037,700, according to the Nov. 10 termination letter.

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The younger doctor, Dr. Zaki Masoud, appears to have returned to work at the same hospital on Long Island as before, according to Dr. Neel's legal papers. An online petition to reinstate him had received nearly 100,000 signatures as of Thursday.

Dr. Masoud could not be reached for comment, and a spokesman for the Long Island hospital declined to state whether or not he had returned to work. NYU Langone did not respond to questions about Dr. Neel's claims.

But in a legal filing last week, N.Y.U.'s medical school said Dr. Neel had "exercised extremely poor judgment by insidiously sharing racially and ethnically offensive posts on social media without regard for the potential impact on others."

Dr. Neel's lawsuit poses an interesting legal question. Despite the ubiquity of social media, it remains unclear whether New York law protects workers from being fired for social media postings outside of work hours. A few states have explicitly restricted employers from firing workers because of their opinions or speech. In New York, state law prohibits employers from firing employees for "legal recreational activities," including but not limited to sports, hobbies and watching movies.

But does that protection apply to online posts with controversial speech? Legal experts say it's an open question.

In a legal filing responding to Dr. Neel's lawsuit, lawyers for N.Y.U. claim that "the act of posting, reposting, or commenting on social media posts" does not fit the definition of a "recreational activity." Besides, Dr. Neel wasn't fired "for the act of

posting on social media, but rather, for the content of his posts,” the N.Y.U. lawyers, Amy Traub and Justin Guilfoyle, wrote in the filing.

Dr. Neel reposted political cartoons that included offensive depictions of Arabs and questioned whether negotiating a two-state solution was possible with Hamas. Dr. Masoud was accused of posting a message on Instagram that defended the Hamas attack as “liberation” and “decolonization.”

Dr. Neel, in his lawsuit, claims that his online posts qualify as a “recreational activity” and that his support for Israel is a component of his Jewish identity, making the decision to fire him religious discrimination. Dr. Neel has maintained in legal papers that his views “with respect to Israel and Palestine are nuanced.”

A petition arguing for the reinstatement of Dr. Masoud, which has 98,000 signatories, said his removal was “alarming and appears to be rooted in discriminatory practices.” The petition said that it was “essential to recognize that expressing solidarity with Palestine does not signify any form of hatred towards the Jewish community and does not equate to anti-Semitism.” The petition, Dr. Neel claims in his legal papers, was why Dr. Masoud was “reinstated surreptitiously” to his job as a resident physician.

In a new legal filing on Thursday, Dr. Neel accused NYU Langone and the medical school of an “unlawful retaliatory campaign against him.” The court filing said N.Y.U. undermined his laboratory by withholding \$500,000 in funding.

Dr. Neel also claims that N.Y.U. retaliated by initiating an inquiry into whether he committed academic misconduct. The inquiry pertains to allegations of falsified or fabricated data in a 2019 research paper about ovarian cancer that Dr. Neel coauthored. The study involved tumors in mice. Concerns about the data first emerged in early 2023.

Dr. Neel, in legal papers, said that a colleague had conducted the research and prepared the data, and his role was supervisory. He claims that N.Y.U. escalated the matter into a formal misconduct inquiry only after his social media postings.

**Joseph Goldstein** covers health care in New York for The Times, following years of criminal justice and police reporting. [More about Joseph Goldstein](#)