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October 25, 2023

Dear Chancellor Matos Rodríguez,

We call on you to affirm the fundamental freedoms of expression and assembly at CUNY, rights which you have abridged since the horrific October 7 Hamas attacks on Israeli civilians and Israel's ongoing bombing and mounting casualties in Gaza. Your failure to do so has sent a chilling message.

Even in times of great anguish and upheaval, CUNY must maintain a commitment to the freedom of expression and freedom of assembly for students, faculty, and staff. Even in polarizing times, members of the CUNY community have a right to express themselves on these matters, individually and collectively. These rights are not limitless, of course, but it is objectionable at a university committed to academic freedom to curtail them as you have.

- Your October 11 letter to the CUNY community said, “CUNY respects the right to criticize and oppose the policies of any government” and urged civility. You went on to say that there were “organizations affiliated with CUNY [participating] in demonstrations that glorify Saturday’s violence and celebrate the killings, injuries and capture of innocent people.” The administrations at three colleges then prevented members of the CUNY community from holding pro-Palestinian rallies on their campuses. At one, students were informed that class attendance was optional on the day of the demonstration. This restriction and guidance prioritized the rights of one segment of the CUNY community over another, which was equated with terrorist sympathizers who posed a danger.
- When a manifestly dangerous action *did* occur, you and your administration were silent. The Brooklyn College demonstration was loud but peaceful. When a City Council member brought a pistol to the event, openly visible at her waist, she was arrested the next morning for criminal possession of a firearm, a class E felony, and CUNY said nothing. We cannot imagine you condone the Council member’s actions, yet your silence in the face of real danger to students and employees, a clear act of intimidation by an elected official, is deafening. We urge you to call publicly for accountability for Inna Vernikov, as many New York City and State leaders have.
- You and the Board of Trustees also violated the state’s Open Meeting Law and a bylaw of the Board. The October 16 Manhattan public hearing was moved fully online with one working day’s notice and without explanation. Dozens of PSC members had registered to attend to speak about our contract demands and the Board’s responsibility to secure funding for CUNY. But no member of the public could see or hear other participants, nor were they informed of a location to observe or deliver testimony, pursuant to Section 103(a) of the Open Meeting Law. Only a declaration of a state disaster emergency or the Mayor’s declaration of a local state of emergency allow a public body such as the CUNY Board to suspend the statutory in-person requirements. We are stunned by the disrespect shown by you and the Board for the law and spirit of open meetings. It is antithetical to a public university’s operation and serves to suppress expression and dissent.

Our hearts are with all of our colleagues and students who are experiencing distress. As PSC said in our October 2016 *Resolution on Freedom of Speech and Assembly at CUNY*, “There is no place on a university campus for any form of bigotry or systematic oppression including anti-Semitism or Islamophobia.” PSC has expressed support for those seeking to create the possibility for just, humanitarian solutions rather than escalating violence. Students, faculty, and staff have a right, indeed an obligation, to speak up on issues about which they feel strongly. Your recent decisions threaten to chill public speech and assembly not only about the war but also on issues such as labor contracts and funding for our colleges. The American Association of University Professors reminds us, “Free speech is not simply an aspect of the educational enterprise to be weighed against other desirable ends. It is the very precondition of the academic enterprise itself.” We urge you to affirm your commitment to the fundamental freedoms of expression and assembly at CUNY.

A handwritten signature in brown ink that reads "James Davis". The signature is written in a cursive style with a large, sweeping initial "J".

James Davis, President, PSC/CUNY