

Freedom of Speech and Assembly for All Faculty, Staff and Students At The City University of New York

Whereas, there is no place on a university campus for any form of bigotry or systematic oppression, including anti-Semitism or Islamophobia; and

Whereas, some recent charges of anti-Semitism on college campuses have been shown to be part of a nation-wide effort to oppose the Boycott, Divestment and Sanctions movement and criticism of the government of Israel more generally;¹ and

Whereas, in 2015, billionaire Republican donor Sheldon Adelson convened a group of wealthy donors for the Campus Maccabees Summit with the objective of raising \$50 million to fund organizations, such as the Zionist Organization of America, to make charges of anti-Semitism against critics of Israel's policies on college campuses,² and a website, *CanaryMission.org*,³ which conceals the names of its backers and publishes names and pictures of individuals it describes as "pro-Palestinian" activists and scholars, including CUNY faculty and students, with the putative aim of documenting "people and groups promoting hatred;" and

Whereas, after a heated debate in March 2016, the New York State Senate's one-house budget resolution for 2016 included the Governor's proposed \$485 million reduction in State funding for CUNY, in order, the Senate majority announced, "to send a message" to the CUNY administration that it had not done enough to fight anti-Semitism;⁴ and

Whereas, on March 30, 2016 a group of legislators in the New York State Assembly called for "the immediate suspension of Students for Justice in Palestine from CUNY;"⁵ and

Whereas, on June 5, 2016 Governor Andrew Cuomo issued Executive Order 157, directing divestment of State funds from institutions that support the Boycott, Divestment and Sanctions movement; and

¹ "Stifling Dissent: How Israel's Defenders Use False Charges of Anti-Semitism to Limit Debate Over Israel" <https://jewishvoiceforpeace.org/wp-content/uploads/2...>, and "The Palestine Exception to Free Speech: A Movement Under Attack in the US" <http://palestinelegal/the> p

² <http://forward.com/news/israel/309676/secret-sheldon-adelson-summit-raises-up-to-50m-for-strident-anti-bds-push/>

³ <https://canarymission.org/>

⁴ "Campus Anti-Semitism Prompts New York Lawmakers To Slash Funds." *Forward*. March 18, 2016.; <http://bit.ly/1RLtjPl>

⁵ "35 NY legislators demand 'immediate suspension' of city university pro-Palestinian group." Jewish Telegraphic Agency. March 30, 2016. <http://www.jta.org/?p=1166189>

Whereas, on September 14, 2016 the New York City Council passed a nonbinding resolution to condemn the Boycott, Divestment and Sanctions movement;⁶ and

Whereas, on September 20, 2016, the administration of SUNY Geneseo cited Governor Cuomo’s Executive Order when cancelling funding for an event featuring a speaker critical of Israeli policies; and

Whereas, on September 9, 2016 CUNY Chancellor James B. Milliken released a report⁷ based on an independent investigation of alleged instances of anti-Semitism on CUNY campuses; the report concluded that the “tendency to blame SJP for any act of anti-Semitism on any CUNY campus,” is a mistake. The report found that SJP was not responsible for any of the most controversial instances of alleged anti-Semitism at the CUNY campuses, and concluded that while the situation is “hardly perfect,” the charge of “unchecked anti-Semitism” at CUNY is baseless; and

Whereas, the courts have affirmed that advocating or opposing a boycott is protected speech;⁸ and

Whereas, the right of members of a university community to form associations for the pursuit of particular political or policy objectives is guaranteed by the Constitution, which explicitly protects both the freedom of speech and the right of the people peaceably to assemble; and

Whereas, providing the space to articulate strongly held views on all sides of critical issues, however controversial, is one of the essential elements of a university’s mission; and

Whereas, CUNY’s own history of purges of faculty accused of holding unpopular political beliefs in the 1930s, 1940s and 1950s⁹ demonstrates that politically motivated attacks on free speech, often pursued under the guise of protection of safety, damage the University’s moral standing and the education of its students; and

Whereas, respect for diversity of beliefs and experience is especially important at CUNY, one of the most racially and ethnically diverse universities in the country, and one where

⁶ <http://forward.com/news/breaking-news/350054/new-york-city-council-votes-40-4-for-anti-bds-resolution/>

⁷ <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/news/newswire/assets/CUNYReport.pdf>

⁸ See the landmark civil rights case, *NAACP v. Claiborne Hardware Co.*: https://en.m.wikipedia.org/wiki/NAACP_v._Claiborne_Hardware_Co.

⁹ Steve Leberstein, “Shooting Rabid Dogs: New York’s Rapp-Coudert Attack on Teachers Unions” in Robert Goldstein, ed., *Little ‘Red Scares’: Anti-Communism and Political Repression in the United States, 1921-1946* (Farnham, England, Ashgate Publishing, 2014), p. 313.

the interaction of faculty, staff and students from different backgrounds has helped to generate breakthroughs in thought and research; and

Whereas, the Professional Staff Congress/CUNY, as a union whose mission includes advancing the interest of CUNY faculty, staff and students, has a strong tradition of opposition to all forms of repression and bigotry; and

Whereas, the PSC has an equally strong history of asserting the importance of free speech, free assembly and open debate—provisions that are the lifeblood of a university;

THEREFORE BE IT RESOLVED, that the PSC reaffirms its unequivocal condemnation of all forms of systemic discrimination, including racism, anti-Semitism and Islamophobia; and

Resolved, that the PSC opposes any attempt to deny public funding to CUNY based on the constitutionally protected speech or actions of its students, faculty and staff; and

Resolved, that PSC affirms that the Governor's Executive Order 157 and City Council resolution 1058-A, by condemning protected forms of speech and assembly, present a chilling effect on the freedom of speech; and

Resolved, that the Professional Staff Congress calls on the CUNY administration, New York City and New York State to treat all accusations of discrimination and repression seriously and equally, and to affirm its support for freedom of speech and assembly for all faculty, staff, and students at CUNY.

