



666 Broadway, 7th Floor
New York, New York 10012
212-614-6464
ccrjustice.org

May 6, 2026

William F. Tate IV
President
Rutgers
president@rutgers.edu

Francine Conway
Chancellor
Rutgers–New Brunswick
nbchancellor@rutgers.edu

Jason Geary, Ph.D.
Provost
Rutgers–New Brunswick
nbprovost@rutgers.edu

Alberto Cuitiño
Dean of Engineering
Rutgers-New Brunswick
alberto.cuitino@rutgers.edu

Re: Rutgers' Unconstitutional Cancellation of Rami Elghandour as
Convocation Speaker for the 2026 School of Engineering Graduation

Dear President Tate, Provost Geary, Chancellor Conway, and Dean Cuitiño:

I am writing from the Center for Constitutional Rights (CCR) to express our profound outrage at the unconstitutional decision of Rutgers-New Brunswick to cancel Rami Elghandour's upcoming convocation speech at the 2026 School of Engineering's Graduation. Mr. Elghandour, a 2001 Rutgers engineering graduate who is a business leader, entrepreneur, and social justice advocate, was invited by Dean Cuitiño last December to deliver the keynote address at the convocation on May 15, 2026. Mr. Elghandour was honored to accept the invitation, expended considerable time preparing his speech, and had 45 guests who planned to attend the graduation to hear him speak.

On May 2, 2026, Dean Cuitiño abruptly cancelled Mr. Elghandour's speech in response to a few students' complaints that his "social media posts are against their beliefs." Although Mr. Elghandour posts on a broad range of social and humanitarian issues, the posts complained of were apparently in support of Palestinian rights, one of the most pressing issues of our time. It is indisputable that Rutgers, a public university, cancelled Mr. Elghandour's appearance because of his viewpoint and his constitutionally protected speech on an issue of public concern, in violation of the First Amendment. Rutgers' decision also denies the students' First Amendment right to hear Mr. Elghandour speak at their graduation. We demand that you reconsider your unlawful decision and immediately reinstate Mr. Elghandour as Convocation speaker for this month's Engineering graduation.

Discriminating against Mr. Elghadour for his viewpoint by cancelling his speaking engagement based on his social media posts containing protected speech violates the First Amendment. Viewpoint discrimination is "an egregious form of content discrimination," and is presumptively unconstitutional. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829, 830 (1995). "The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Id.* at 829.

Even if Mr. Elghandour’s prior speech was considered offensive or outrageous by some, it remains protected by the First Amendment. As the Supreme Court has long stressed, “[i]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989). This recognition embodies “a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open.” *N.Y. Times v. Sullivan*, 376 U.S. 254, 270 (1964). Censoring speech to protect certain audiences—a classically prohibited “heckler’s veto,” see *Reno v. American Civil Liberties Union*, 521 U.S. 844, 880 (1997)—is unacceptable because “in public debate [we] must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment.” *Boos v. Barry*, 485 U.S. 312, 322 (1988).

Cancelling Mr. Elghandour’s convocation speech for expressing his opinion on a matter of public concern also undermines the critical role universities play in a democracy. The university is “peculiarly the ‘marketplace of ideas,’” *Keyishian v. Board of Regents of University of State of New York*, 385 U.S. 589, 603 (1967); it must encourage critical thought and questioning of social and political orthodoxy. See *id.* In taking such precipitous action, Rutgers has sent the anti-democratic message to your faculty and students that censorship—rather than engagement, reflection or critique—is an appropriate response when political orthodoxy is challenged. The Supreme Court warned against such self-defeating academic censorship, which also escalated during the McCarthy-era:

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. . . . Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

Id. at 684.

Prior restraints on speech are also presumptively unconstitutional. See, e.g., *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). Rutgers’ decision will most certainly unconstitutionally chill students and faculty from speaking out on issues of public concern for fear of punishment if some might disagree with their views. University policies that arguably proscribe future speech such as calling “Israel’s conduct a genocide” “chill a kind of expression that is a hallmark of university activity.” *Students for Just. in Palestine, at Univ. of Houston v. Abbott*, 756 F. Supp. 3d 410, 421, 426 (W.D. Tex. 2024). “[T]his type of passionate political debate is essential at universities, where students are forming their worldview as adults.” *Id.* at 426.

The First Amendment protects not only Mr. Elghandour’s right to speak, but also the students’ “right to receive information and ideas.” *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867 (1982). “Our Constitution does not permit the official suppression of

ideas.” *Id.* at 871.¹ With regard to having outside speakers on campus, the American Association of University Professors has affirmed “that the freedom to hear is an essential condition of a university community and an inseparable part of academic freedom” and that “the right to examine issues and seek truth is prejudiced to the extent that the university is open to some but not to others whom members of the university also judge desirable to hear.”²

It is important to understand the broader context of longstanding, widespread efforts to silence advocacy for Palestinian rights and criticism of Israel, which CCR and Palestine Legal documented in a 2015 report, “The Palestine Exception to Free Speech: A Movement Under Attack in the US.”³ Over the years, CCR has represented many clients who have been punished for such speech, including in the university context. As early as 2014, we successfully represented Dr. Steven Salaita in a case against the University of Illinois in which the court found that his tweets regarding Israel’s assault on Gaza were on a matter of public concern, and “implicate[d] every ‘central concern’ of the First Amendment.” *Salaita v. Kennedy*, 118 F. Supp. 3d 1068, 1083 (N.D. Ill. 2015).

The repression in response to the growing U.S. movement for Palestinian liberation has only skyrocketed since October 2023, alongside Israel’s genocide of Palestinians in Gaza. Although the merits of a viewpoint are irrelevant to one’s right to state it without being subject to discrimination, the position that Israel’s attack on Gaza constitutes genocide is widely-held among genocide scholars,⁴ and is supported by the findings of international bodies,⁵ human rights organizations,⁶ and even a U.S. district court.⁷ It is especially reprehensible that Rutgers would deny Mr.

¹ Dean Cuitiño also stated that he is considering discontinuing the custom of having a convocation speaker at all future graduations to avoid “this issue.” Denial of access to the custom of hearing from a speaker at graduation would further violate the First Amendment. *See, e.g., Hammad v. Thompson*, No. 24-cv-03099 (S.D.N.Y. filed Apr. 23, 2024).

² *Academic Freedom and Outside Speakers*, Am. Ass’n of Univ. Professors (Nov. 2023, updated 2024), <https://www.aaup.org/reports-publications/aaup-policies-reports/policy-statements/academic-freedom-and-outside-speakers> (quoting *Fifty-Third Annual Meeting*, 53 AAUP Bulletin 133, 133–35 (June 1967)).

³ Ctr. for Const. Rts. & Palestine Legal, *The Palestine Exception to Free Speech: A Movement Under Attack in the US* (2015), <https://palestinelegal.org/the-palestine-exception>.

⁴ *Resolutions*, Int’l Ass’n of Genocide Scholars, <https://genocidescholars.org/publications/resolutions/>.

⁵ Indep. Int’l Comm’n of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, Rep. of the Human Rights Council, *Legal Analysis of the Conduct in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide*, U.N. Doc. A/HRC/60/CRP.3 (Sept. 16, 2025), <https://www.un.org/unispal/wp-content/uploads/2025/09/a-hrc-60-crp-3.pdf> (concluding that Israel is responsible for committing genocide); Application of Convention on Prevention and Punishment of Crime of Genocide in the Gaza Strip (*S. Afr. v. Isr.*), Provisional Measures Order, 2024 I.C.J. 3, ¶ 54 (Jan. 26) (International Court of Justice (ICJ) found that Israel’s assault on the Palestinian people in Gaza plausibly constitutes genocide), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.

⁶ B’Tselem, *Our Genocide* (July 2025), https://www.btselem.org/sites/default/files/publications/202507_our_genocide_eng.pdf; Physicians for Human Rights Israel, *Destruction of Conditions of Life: A Health Analysis of the Gaza Genocide* (July 2025), <https://www.phr.org.il/wp-content/uploads/2025/07/Genocide-in-Gaza-PHRI-English.pdf>; Amnesty International, *‘You Feel Like You Are Subhuman’: Israel’s Genocide Against Palestinians in Gaza*, Index. No. MDE 15/8668/2024 (Dec. 4, 2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>.

⁷ *Def. for Children Int’l-Palestine v. Biden*, 714 F. Supp. 3d. 1160, 1163, 1167 (N.D. Cal. 2024), *aff’d*, 107 F.4th 926 (9th Cir. 2024) (dismissed on jurisdictional grounds) (describing “the ongoing military siege in Gaza [as] intended to

May 6, 2026
Re: Rami Elghandour
Page 4 of 4

Elghandour, an Arab-American, the opportunity to speak due to his prior protected speech on Palestine. Rutgers' decision to censor speech regarding Israel's oppression also risks violating the civil rights of Palestinians and other Arabs on campus under Title VI, which prohibits discrimination based on race, color, or national origin.

Rutgers' actions have inflicted harm not just on Mr. Elghandour and on the Rutgers community, but on elementary constitutional principles and the commitment to free and open inquiry that Rutgers espouses. Rutgers' violation of the United States Constitution, the foundation of our fragile democracy, contributes to an environment in which viewpoint discrimination and governmental punishment of protected speech on critical issues is increasingly commonplace, leading to the degradation of all of our rights across the country, and thus legitimizing an emerging authoritarianism. We demand that Rutgers affirm its commitment to the First Amendment and live up to its values, and immediately reinstate Mr. Elghandour as the 2026 keynote speaker at the engineering graduation convocation.

Sincerely,

A handwritten signature in cursive script that reads "Maria C. LaHood".

Maria C. LaHood
Deputy Legal Director
Center for Constitutional Rights

eradicate a whole people and therefore plausibly fall[ing] within the international prohibition against genocide,” and “implor[ing] Defendants [U.S. officials Biden, Blinken, and Austin] to examine the results of their unflagging support of the military siege against the Palestinians in Gaza,” and stating that “[i]t is every individual's obligation to confront the current siege in Gaza.”).