



## Yale Mob Illustrates Larger Free Speech Problem at America's Universities | Opinion

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When a Christian conservative teams up with a liberal atheist at an event designed to promote unity in polarizing times, you might assume the effort would be universally applauded—unless you've been to Yale Law School lately.

Federalist Society student chapters have for many years invited me and other lawyers with Alliance Defending Freedom to speak at their events, most recently at Cardozo School of Law, the University of Illinois, the University of Virginia, the University of Florida, Florida State University, the University of Iowa and the University of San Diego, where all went as planned. The Yale chapter invited me to participate in a panel discussion about a case I argued before the Supreme Court that received the support of groups across the ideological spectrum. It also united the Court, as eight justices ruled for our clients, ensuring that government officials cannot get a free pass when they violate precious liberties.

My co-panelist was Monica Miller, an attorney from the American Humanist Association. She wrote one of the 22 briefs filed in support of our case, and though we disagree on much, we agree on the importance of free speech.

But some students and leadership at Yale do not. About 120 law students showed up to hurl insults, bang on walls, make obscene gestures, shout down the speakers and engage in physical intimidation—even with other students—to the point that armed police were necessary to protect the speakers and event organizers. The law school issued a weak statement that misrepresented the mob's actions, downplayed the chaos it wrought and excused the students' behavior. After students at the University of California, Berkeley, reacted similarly at events featuring conservative speakers in 2017, the chancellor there affirmed the school's commitment to free speech. She convened a commission on free speech, which issued a report encouraging the administration "to continue...to nurture a culture of reasoned engagement with a wide range of political and ideological viewpoints.... This should serve to solidify Berkeley's reputation as a campus hospitable to a wide spectrum of thought and opinion, and to provide a positive example to our students of constructive and thoughtful debate between passionate advocates for opposing points of view."

Notably, the Berkeley commission also wrote that it "feels strongly that no student should be...treated with less respect due to his or her political outlook, no matter how offensive that outlook might be to the instructor or to classmates.... [T]hose offended by a speaker have every right to counter-protest, but not to deny the speaker a platform or to commit violence, including property damage, in the name of their ideology."

A similar situation arose at UC Hastings College of the Law recently, when the Federalist Society chapter there invited the Cato Institute's Ilya Shapiro to speak, and objecting students shouted him down. The law school's dean issued a strong statement supporting free speech, saying, "The act of silencing a speaker is fundamentally contrary to the values of this school as an institution of higher learning; it is contrary to the pedagogical mission of training students for a profession in which they will prevail through the power of analysis and argument."

Can Yale do no better than Berkeley and Hastings?

Our universities cannot stand by and allow mobs to trash civil dialogue. Every academic institution must be a place where free speech prevails—where we civilly debate the most polarizing issues of our day. And when we do, we should speak our minds with kindness, compassion and charitable resolve. The answer to disagreement must always be more speech.

This very real problem—a disdain for free speech and the accompanying desire to silence viewpoints with which one disagrees—is becoming systemic. At the University of Virginia, for example, the student newspaper's editorial board wrote that an upcoming speech by former vice president Mike Pence endangers the safety of students because his supposedly "hateful rhetoric is violent." And surveys show that more than half of American college students think it is acceptable to shout down a speaker with whom they disagree. Almost 20 percent think it's acceptable to use violence to stop such a speaker from speaking. Those figures should disturb us all, especially since some of these students will eventually run or influence government agencies, businesses and other important institutions.

Where did students learn these lessons? Well, in part, from their colleges and universities, which, for decades, have imposed "speech codes"—efforts to punish students for saying things that university officials deem to be "uncivil," "harmful" or "offensive." The case I wanted to discuss at Yale involved one of these speech codes.

The Supreme Court ruled long ago that "a function of free speech...is to invite dispute." That's why, whenever these speech codes are challenged in court, they fall—either because officials see the writing on the wall or because judges strike them down. No one handles more college and university free speech litigation than ADF, and we win 91 percent of the legal matters in which we are involved for this very reason.

From that, we should all take heart. Yes, freedom is under assault, even on campuses that are supposed to be the "marketplace of ideas." But all it takes for freedom to win is for a few good men and women to take a stand.