

Inside Georgetown Law’s Campaign to Cancel Ilya Shapiro: ‘This Is Melting Down’

How the school’s administration helped instigate a woke student mob that is now implacable

By Nate Hochman

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Less than two weeks ago, Georgetown University Law Center (GULC) welcomed Ilya Shapiro as the new executive director and senior lecturer for the school’s Center for the Constitution. Shapiro, who had previously served as the vice president and director of the Cato Institute’s Robert A. Levy Center for Constitutional Studies, was set to start on February 1. “I could not be more thrilled at the prospect of his joining us,” read a statement from Randy Barnett, Georgetown’s faculty director for the center. By Monday, Shapiro was placed on administrative leave, pending an “investigation” into a series of tweets criticizing Joe Biden’s promise to nominate a black woman for the Supreme Court seat vacated by Stephen Breyer. The tweets, posted on the night of January 26, argued that Biden’s Supreme Court nominee “will always have an asterisk attached” because of the president’s promise to “only consider black women,” and that Sri Srinivasan, an Indian-American justice on the D.C. Court of Appeals, was “objectively” the “best pick for Biden.” But Srinivasan didn’t fit the “latest intersectionality hierarchy,” Shapiro wrote, “so we’ll get [a] lesser black woman.”

Shapiro has since deleted the posts and apologized for his poor phrasing, writing that “I meant no offense, but it was an inartful tweet.” He followed that with an email to the Georgetown community, explaining that his “intent was to convey my opinion that excluding potential Supreme Court candidates, most notably Chief Judge Srinivasan, simply because of their race or gender, was wrong and harmful to the long term reputation of the Court. It was not to cast aspersions on the qualifications of a whole group of people, let alone question their worth as human beings.” The message was eminently reasonable — as Shapiro wrote, “a person’s dignity and worth simply do not, and should not, depend on any immutable characteristic” — and should have been easily discernible to anyone reading in good faith.

But good faith is in short supply in this saga. Less than ten hours after the tweets were posted, a smear campaign sparked by Slate's Mark Joseph Stern quickly metastasized into a full-blown effort to destroy Shapiro's career and paint him as a bigot — an effort that now enjoys the imprimatur of the law school's administration. Hours after Stern called attention to the tweets, Georgetown Law dean William Treanor sent out an email slamming his new hire's "use of demeaning language" as "appalling." The school-wide email legitimated the gross mischaracterization of Shapiro's comments, denouncing his "suggestion that the best Supreme Court nominee could not be a Black woman" — a suggestion that Shapiro never made. "As soon as I read the dean's email, I thought, 'Oh my gosh, this is gonna make it so much worse,'" Luke Bunting, the co-president of GULC's Conservative and Libertarian Student Association (CALSA), told NATIONAL REVIEW. The dean's email "took an already volatile situation and made it worse by inferring that students should adopt the worst possible reading of Mr. Shapiro's tweets."

The email "shows the lie of it all," he said. "Because if that's actually the correct interpretation of what he said, then of course they should fire him. But they don't actually believe that, or else they would have just announced his firing at that moment. That's the thing that makes me so frustrated. They know what they're doing. They're just trying to placate the students calling for his ouster."

The Smear Campaign Goes Viral

Far from being placated, however, student activists ramped up their attacks, criticizing the dean's "bare-bones email" for offering "no apology or action plan," and arguing that Shapiro was undeserving of "a space as a leader and educator in the Georgetown community." Treanor, who had written that he was "very pleased to welcome" Shapiro just a few days before, was chastened. On Monday, he penned a longer follow-up announcing that he had "placed Ilya Shapiro on administrative leave, pending an investigation into whether he violated our policies and expectations on professional conduct, non-discrimination, and anti-harassment, the results of which will inform our next steps":

Over the past several days, I have heard the pain and outrage of so many at Georgetown Law, and particularly from our Black female students, staff, alumni, and faculty. Ilya Shapiro's tweets are antithetical to the work that we do here every day to build inclusion, belonging, and respect for diversity. I have heard and listened to a wide range of views, and I am grateful to the many members of the community who have reached out to me and other leaders at the school to share their thoughts.

There was blood in the water, and the activists knew it. Corners of the student body began to circulate multiple petitions pressing the school to rescind Shapiro's job offer. Multiple

members of the Georgetown Law faculty joined in the attacks. One professor called his new colleague's statement "despicable, ignorant and racist"; another accused him of "perpetuating racism and sexism"; yet another expressed his opposition to "a miniature replica of the Cato Institute" at the Center for the Constitution. At least one more sent out an email to her students condemning the "racist tweets" and offering to hold a Zoom session for students to process their "pain and anger." The Georgetown Black Law Students Association (BLSA) released a statement calling for Shapiro's termination on top of demands such as "requiring inclusion of Black students in the hiring for all faculty and staff," which was subsequently boosted on social media by multiple Georgetown Law professors. The BLSA statement has since been signed by 951 individuals and 39 additional student organizations, including the Georgetown Law chapter of the ACLU, the Georgetown Law Journal, and numerous other racial-affinity groups.

On Tuesday, students held a sit-in at the GULC library, calling for "the immediate termination of Ilya Shapiro and for the administration to address BLSA demands." Treanor and three other top administrators attended, striking an apologetic tone as they fielded questions from BLSA leadership for over an hour. Student activists floated the idea of defunding the Center for the Constitution if Shapiro was allowed to stay and demanded everything from reparations to free food to a place for students to cry. ("Is there an office they can go to?" one student asked. "I don't know what it would look like, but if they want to cry, if they need to break down, where can they go?") The dean reiterated that he was "appalled" by Shapiro's tweets and promised to "listen," "learn," and ultimately "do better": "I know how painful and awful it is for you, and I know what a terrible burden it is," he told the students. "I'm grateful for you taking the time to talk; I'm grateful for your insights. I heard a lot today that I won't just be reflecting on but that I'll be moving forward with, and I will be in dialogue with you about what we're doing."

'Some of Y'all Still Think You Belong in the Confederacy'

Amid all this, Shapiro's expression of "regret" for his "poor choice of words" — "which undermined my message that no one should be discriminated against for his or her gender or skin color" — was of no avail. On the ground, "tensions were running high," Bunting said. Soon after the dean's email, "The student group chats started blowing up with all of the stuff going on, and I'm just sitting here thinking, 'Oh my gosh, this is melting down,'" he said.

Messages obtained from the GULC Class of 2023 group chat offered a window into the mood in the Georgetown Law student body. "It would be strange for Shapiro to be against deviations from merit-based approaches when his political identity is the whole reason dipsh**s like him get hired to elite jobs," one user wrote. "Never thought there could be a worse Shapiro than Ben," another added.

Things deteriorated further when a handful of students spoke up to suggest that Shapiro's tweets weren't racist. "I wouldn't read into Prof Shapiro's tweet much beyond his opposition to affirmative action and related diversity policies when they modify merits-based approaches," one user wrote. "Wholly unacceptable comment, check yourself," the group-chat moderator quickly responded. "Now is not the time for debate, instead we should be supporting our incredibly talented black female law students," another student added. "Damn Fed[eralist] Soc[iety] is a helluva drug," a third wrote.

A fourth chimed in: "Some of y'all still think you belong in the Confederacy I see."

Two of the dissenting students, Travis Nix and Rafael Nuñez, were eventually removed from the chat altogether. ("I am tired of witnessing my friends and colleagues defend their humanity and no doubt they are also tired of defending themselves," wrote the moderator who removed the two students.) Members of the group chat were "ripping anybody who was willing to defend Shapiro, or even just give him any amount of human decency and respect," Nix told NR. "I was like, 'I am not gonna let these poor kids get ripped to shreds,' so I made my statement, and then I paid the price."

Nuñez was kicked out of the group chat after defending himself against the accusation that he was "privileged" for defending students who spoke out. "That's what really got to me," he said. "Like, my mom was undocumented for 35 years. I grew up on food stamps and welfare and had to dig myself out a hole to get to go to Georgetown Law. My life has been difficult, but I don't complain. And it just bothered me that these kids that didn't even know me — you know, a fellow person of color — were telling me that I'm privileged. Like, you don't know the things that I had to see growing up and what I had to do and struggle to get here."

Nuñez, who merely defended students' right to defend Shapiro's tweets but did not defend the tweets himself, was also kicked out of a separate group chat for first-generation Georgetown law students. At least one other student was kicked out of a different student racial-affinity group for a similar offense, Bunting and Nix told NR. "Some people encouraged me to go to the administration, but like, you've seen the administration's response," said Nuñez, who told NR that he "tends to lean a little more liberal." "They're not going to be on my side. Like this is just gonna make more enemies for me, honestly. I'm going to keep my mouth shut. I'm on a scholarship. I don't want to get kicked out, you know?"

His fear is not unwarranted. Students say the activist campaign against Shapiro has more to do with ideological allegiance than the January 26 tweets. “I’ve talked to many left-leaning friends here in private who admit freely that the BLSA demands go over the top or concede they only want Ilya fired because of his conservative political views,” one student, who asked to remain anonymous for fear of repercussions, told NR. “One person told me they didn’t like his views on masks, another told me they thought he was racist because he advocates for conservative policies which are racist. But people worry about losing journal spots, jobs, or letter grades if they aren’t woke enough and so aren’t willing to say anything about it.”

A Time for Choosing

Bunting told NR that he “puts a lot of the blame on the dean” for the volatile environment. “His email poured gasoline on the fire. And now, his silence — not coming out forcefully and saying, ‘We support the free speech of faculty outside of the school,’ like they’ve done previously with liberal professors who’ve said offensive things. Letting this hang out there has just made things worse. It’s almost been a kind of de facto endorsement of the group calling for his ouster.”

Indeed, left-wing professors at Georgetown Law seem to enjoy an immunity that is not afforded to right-leaning academics such as Shapiro. As the Washington Free Beacon’s Aaron Sibarium reported, “In 2018, Georgetown security studies professor Christine Fair tweeted that supporters of Brett Kavanaugh’s confirmation ‘deserve miserable deaths while feminists laugh as they take their last gasps.’ As a ‘bonus,’ she said, ‘we castrate their corpses and feed them to swine.’ Though Twitter temporarily suspended Fair, the university took no action against her.” At the time, a Georgetown spokesperson told Fox News that “Our policy does not prohibit speech based on the person presenting ideas or the content of those ideas, even when those ideas may be difficult, controversial or objectionable.” Sibarium also reported that in 2020, Georgetown Law’s Heidi Li Feldman tweeted that “Law professors and law school deans” should “not support applications from our students to clerk for” judges appointed by Donald Trump, arguing that, “To work for such a judge indelibly marks a lawyer as lacking in the character and judgment necessary for the practice of law.” As Sibarium wrote, “The tweets appear to violate Georgetown’s non-discrimination policies — and Washington, D.C.’s — which prohibit ‘discrimination and harassment’ based on ‘political affiliation.’” But “Feldman is still employed by the university, and there is no record of any administrative action being taken against her.” Shapiro’s fate at Georgetown Law remains uncertain. But the school’s double standard has sparked a fierce backlash, and some have argued that a decision to terminate the new professor would do serious harm to the institution’s long-term reputation. In his official capacity as co-president of CALSA, Bunting released a statement slamming “the Georgetown Law community” for “failing to live up” to a “basic standard of human decency,” and calling out Dean Treanor for sending “a school-wide email mischaracterizing the intended message of the tweets to such an extent that the only logical takeaway for students was that Ilya Shapiro is a bigot.” Bunting added that, “The Dean knew this was not

the case when he sent his email, and that fact can only be clearer to him now that many of Shapiro's former colleagues have reached out to repudiate any such claim."

Shapiro's cause has also seen an outpouring of support from outside Georgetown Law. The Foundation for Individual Rights in Education (FIRE) released a statement urging the dean to "not accede to demands that Shapiro be fired." The Academic Freedom Alliance sent a letter to the school arguing that "Shapiro should face no formal consequences for controversial comments." Peter Kirsanow, an African-American member of the U.S. Commission on Civil Rights and former member of the National Labor Relations Board, wrote to Georgetown Law "in strong support of Ilya Shapiro." Any number of other lawyers and academics from across the political spectrum have come out in public support of Shapiro, including a separate faculty letter from FIRE that has been signed by 167 law professors as of this writing.

Defenders of free speech from all ideological backgrounds should hope that this coordinated response signals a paradigm shift in the fight against an increasingly illiberal activist Left. For anyone who is committed to the basic principle of free inquiry in liberal education, Shapiro's case must be a line in the sand. The lawyer's tweet, while poorly worded, was expressing a fundamental principle: that all Americans should be entitled to colorblind equality under the law. That cannot — must not — be the grounds for destroying a good man's career. Georgetown Law is facing a time for choosing: Will it defend the principles that it claims to be committed to, or cave to a vindictive and cowardly mob?