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## Law Students Protest Free Speech Talk With Shouts Of ‘F-ck The Law’

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The latest “non-platforming” of a speaker at a purported academic institution happened to my good friend and sometime co-author Josh Blackman at City University of New York Law School two weeks ago, when he attempted to give a lecture on the importance of free speech on campus. As he wrote on his blog in an epic post accompanied by copious pictures and video, once publicity for the event began after spring break, enraged students began planning a protest.

When Josh asked his host, the president of CUNY’s Federalist Society chapter, why his classmates were up in arms, he got the explanation that “first, that this is a Federalist Society event; and second, they saw a few of your writings (specifically a *National Review* article praising Sessions for rescinding DACA and ACA), and instantly assume you’re racist; and third, our event being titled about free speech is reminiscent of events that claim free speech just to invite people like Milo Yiannopoulos and Ann Coulter.”

Indeed, that sentiment resulted in Josh being greeted with assorted signs. Some attacked him personally: “Josh Blackman you are not welcome here” and “Pronouns matter, Josh Blackman does not.” Others went after the Federalist Society, which some smeared was “founded to uphold white supremacy.” Still others took on the Constitution itself: “The First Amendment is a weak shield for white supremacy” and “The First Amendment is not a license to dehumanize marginalized people.”

Then there were the ones proposing novel equations: “My existence > Your opinion,” “Constitutional originalism = White supremacy,” and “Conservative hate ≠ Intellectual debate.” And some were aimed at their own school: “Shame on CUNY: Don’t give oppressors a platform” and the related “No platform for fascists.” Finally, some apparently tried to make deep points of postmodern theory, such as “We reject the myth of legal objectivity.”

My favorite was probably the juxtaposition of signs saying “Your legal analysis is lazy and wrong” and “F-ck off”—both held *by the same person*. I mean, wow. Where to begin?

The Federalist Society arose in the early 1980s to combat the left-wing tilt of the legal academy. (Full disclosure: I’ve been a member for nearly 20 years and have spoken at more than 500 events without protest, although apparently this year the University of Vermont Law School administration nixed a planned invite.) Conservatives and libertarians are in the decided minority at essentially all law schools, so it functions as part counter-programming, part support group.

And it's nerdy, really nerdy. If you want to hear debates on Supreme Court cases and theories of constitutional interpretation, it's for you. If you want political red meat, you'll have to look elsewhere.

Josh supports the DREAM Act, and said so at CUNY, which provoked gasps and a cry of "gaslighting." His position is simply that this good policy needs to be legislated, that the president can't enact it on his own. The protestors just couldn't fathom that something can be a good idea and yet not legal.

Moreover, Josh is one of the most mild-mannered people I know. A professor at South Texas College of Law Houston and adjunct scholar at the Cato Institute, he writes forcefully and has a definite point of view, but he's neither a bomb-thrower nor a troll. If the students were savvy enough to do background research, they would know that he and Milo have nothing in common. Josh is a budding public intellectual, not an attention-seeking entertainer.

He also showed his skill as a teacher by making an object lesson of Obama's Deferred Action for Child Arrivals executive orders, which seemed to be at the heart of the student opposition. "The lesson is you can support something as a matter of policy," he began to explain before yet another interruption, "but find that the law does not permit it. And then the answer is to change the law."

The mob's response to that rather obvious and banal point was "f-ck the law." An incredulous Josh could only reply, "You are all in law school. And it is a bizarre thing to say 'f-ck the law' when you are in law school."

Gee, it's no surprise that so many law students struggle to find jobs, and that was the case at CUNY even before the Great Recession. But more broadly, it saddens me that these kinds of attitudes have infected our public discourse. Everyone assumes the absolute worst about the other side's motivations and couldn't care less about following the proper procedures for getting what they want.

As yet another sign put it, "Rule of law = white supremacy, violence against [people of color], violence against immigrants." I guess the protestors' position really is that when the law points you in an unfavorable policy direction, you're a white supremacist. (And why is "white supremacist" the trendy slur these days anyway? Could it be that "racist" was thrown around arbitrarily for so long that it doesn't mean anything anymore?)

By a Sunday email to *Inside Higher Ed*, CUNY Dean Mary Lu Bilek said the protest was "reasonable" and there would be no investigation or sanction of the students involved. This, even though hours before Blackman's event, she emailed out to the student body CUNY's Policy on Freedom of Expression and Expressive Conduct. That policy contains the following: "1.2 The freedom to express ideas does not mean that individuals may exercise that freedom in ways that are incompatible with the functioning of the University and the rights of other members of the community to freedom of expression and to a full and equal opportunity to pursue their education and to participate in the benefits of the University. . . . 2.2 Examples of prohibited conduct that adversely affects or directly threatens to adversely affect the health or safety of persons or their right to a full and equal opportunity to pursue their education and to participate in the benefits of the University include: . . . shouting down or otherwise preventing a

speaker from delivering remarks at a program or event at a college campus or ejecting participants in a public forum or meeting because of their viewpoint.”

See also the CUNY Law Student Handbook, page 85 of which contains the “Rules of the university”: “1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall she/he interfere with the institution’s educational process or facilities, or the rights of those who wish to avail themselves of any of the institution’s instructional, personal, administrative, recreational, and community services. . . . 5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse—physical, verbal, or otherwise from others supporting conflicting points of view.”

In the end, Josh handled himself admirably and deserves kudos for persisting despite the opprobrium thrown his way. But this doesn’t bode well for the future.

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