

# CUNY Law School's First Amendment problem

By Mark Pulliam

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The First Amendment protects most forms of nondefamatory speech, regardless of content or the identity of the speaker, but the left's true objectives are sometimes obscured when the speaker in question is an outrageous ideologue (such as white supremacist Richard Spencer), flamboyant controversialist (Ann Coulter) or self-promoting provocateur (Milo Yiannopoulos).

But would-be brownshirts let the mask slip when they disrupted and attempted to shout down a speaker at the City University of New York School of Law. At the invitation of CUNY Law's Federalist Society chapter, South Texas College of Law professor Josh Blackman arrived on campus to discuss not transgender rights, same-sex marriage, affirmative action, immigration reform, police misconduct or any other hot-button issue, but "The Importance of Free Speech on Campus," as he had done without incident at many other law schools.

Incredibly, though, Blackman was effectively prevented from delivering his talk on March 29 at the school. The tech-savvy professor managed to capture most of the protest on video and with photos.

The episode is deeply disturbing for several reasons. First, the audience was not made up of undergraduates. This was a lecture at a law school, to college-graduate adults who had gone to the trouble and expense of seeking a legal education — the goal of which, in the words of the fictional Professor Kingsfield (from the 1973 movie "The Paper Chase"), is to transform incoming students' "skulls full of mush" into disciplined minds "thinking like a lawyer."

Yet the numerous signs waved by the protesters contained such slogans as "Rule of Law = White Supremacy" and "The First Amendment is Not a Licence [sic] to Dehumanize Marginalized People." Students shouted "Legal objectivity is a myth" and

“F — — k the law.” CUNY Law’s National Lawyers Guild chapter tweeted that “free speech” activists are “not welcome at our PUBLIC INTEREST school.” Is this the face of “social justice”?

Second, Blackman is the antithesis of a lightning rod or demagogue. He is a prolific legal scholar, writing mainly in the area of constitutional law. Though politically right of center, he is more libertarian than conservative. He signed the Originalists Against Trump statement prior to the 2016 election, is an adjunct scholar at the Cato Institute and has coauthored books and articles with Georgetown law professor Randy Barnett, a noted libertarian.

He is not deliberately confrontational but mild-mannered, soft-spoken and unfailingly polite. This year, the Federalist Society gave him the Joseph Story Award, an honor bestowed on a law professor under 40 who “has made a significant public impact in a manner that advances the rule of law in a free society.”

Finally, the left reveals its intellectual bankruptcy when the First Amendment is itself deemed to be “hate speech,” “racist,” “threatening” and evidence of “oppression.” These absurd statements, and many others, were on display at Blackman’s presentation.

The CUNY Law students’ mob behavior represents a betrayal of the Free Speech Movement, and their plotting to block a law professor from discussing the First Amendment — to law students, at a law school — smacks of tyranny. A depressingly small number of liberals, such as Berkeley law school Dean Erwin Chemerinsky, continue to defend free speech on campus, abhor the heckler’s veto and correctly insist that the First Amendment offers no “hate speech” exception.

CUNY Law administrators shamefully took no action to prevent the disruptive protest, claiming later that a mob shouting down an invited speaker “did not violate any university policy.” CUNY Law Dean Mary Lu Bilek risibly stated that “CUNY Law students are encouraged to develop their own perspectives on the law in order to be prepared to confront our most difficult legal and social issues as lawyers promoting the values of fairness, justice, and equality.”

In other words, the school sanctions the suppression of disfavored opinions.

CUNY Law should provide a copy of Chemerinsky’s recent book, “[Free Speech on Campus](#),” to the clueless social-justice activists who embarrassed themselves and their school by exhibiting such thuggish intolerance toward Professor Blackman. And Dean Bilek ought to read it herself.

*Mark Pulliam is a contributing editor at the Library of Law and Liberty. Reprinted with permission from City Journal.*

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