

CUNY Law's Disgrace

Social-justice warriors shout down a campus speaker delivering a talk on free speech, and school officials embrace them.

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Saul Alinsky taught that “ethical standards must be elastic to stretch with the times.” Fifty years after launching the Free Speech Movement at UC Berkeley in the 1960s, the Left seeks to disguise its stunning reversal of position—now opposing free speech on college campuses—through Orwellian semantics. In higher education, progressives currently assert, students must be shielded from exposure to certain ideas in order to promote “inclusion” and “diversity” and to protect the vulnerable psyches of “marginalized” or “oppressed” students from “hate speech.” The switch from advocating robust discourse to banning it altogether conveniently follows a shift of power in academia.

Once leftists achieved hegemony in academia—among students, faculty, and administrators—they exerted their power to ban speech (and speakers) deemed offensive. Their real goal is to promote identity politics, and they have discovered that banishing dissenting opinions requires less effort than winning arguments. Higher education is now “woke.” Campus leftists justify speech codes, prohibitively high security fees for controversial outside speakers, and policies prohibiting “harassment” of students by cloaking censorship in the mantle of benevolent paternalism. Censorship also prevails when campus administrators allow agitators to disrupt speakers and effectively silence them using the “heckler’s veto.”

The First Amendment protects most forms of non-defamatory speech, regardless of content or the identity of the speaker, but the Left’s true objectives are sometimes



supremacist Richard Spencer), flamboyant controversialist (Ann Coulter), or self-promoting provocateur (Milo Yiannopoulos)—all of whom have been muzzled by disruptive and sometimes violent campus protests. Observers have been less sympathetic when such tactics are employed against serious scholars, such as social scientist Charles Murray and Manhattan Institute fellow Heather Mac Donald—yet the noisy protests persist. And recently, would-be brown-shirts 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 to give a presentation on “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 incident was [widely reported](#) on the [blogosphere](#), and the protesters have generally been ridiculed for their puerile and intolerant behavior.

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*ck 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. Unlike, say, Ben Shapiro, he is not deliberately confrontational but ~~mild-mannered, soft-spoken, and unfailingly polite.~~ This year, the Federalist Society



“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.

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Photo: Josh Blackman

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