



PHILADELPHIA STATEMENT

On Civil Discourse and the
Strengthening of Liberal Democracy

Delivered: April 7, 2022

Dean Heather Gerken

CC: Dean Ellen Cosgrove; Dean Mike Thompson; Dean Ian Ayers

To Yale Law School leadership,

We write in response to the deeply disturbing incident that took place on your campus on March 10, 2022.

Yale's Federalist Society student chapter invited Alliance Defending Freedom General Counsel Kristen Waggoner to participate in a bipartisan panel discussing her recent successful argument before the U.S. Supreme Court in the free speech case, *Uzuegbunam v. Preczewski*. Ms. Waggoner, along with her co-panelist Monica Miller of the American Humanist Association and the event's moderator, Professor Kate Stith, were met by a vitriolic mob of Yale Law students intent on silencing them. The students engaged in physical intimidation and menacing behavior that has no place anywhere, let alone in a classroom at Yale Law School.

The purpose of the panel, according to a member of the Federalist Society,¹ was to show that two lawyers on opposite sides of the political and ideological spectrum can find common ground on free speech issues. The panel modeled the best of what Yale has to offer and what our society desperately needs: less vitriol, less polarization, less demonizing of opponents, and more respectful debate and dialogue among people who have deep disagreements.

But instead of engaging with the panelists, a shocking number of Yale Law students hurled constant insults and obscenities at them and tried to prevent them from speaking and being heard.

This appalling example of a heckler's veto degenerated further when numerous disruptors left the room and congregated in the hallway where they "began to stomp, shout, clap, sing, and pound the walls, making it difficult to hear the panel."² Their shameful conduct disrupted nearby classes, exams, and faculty meetings as well. It has been reported that some of these unruly students "grabbed and jostled" Federalist Society members in the hallways.³ In the end, the situation was so volatile that Ms. Waggoner and her fellow panelist had to be escorted to a police car by law enforcement.

Undoubtedly, it is to prevent situations exactly like this that Yale adopted campus free speech policies. One such policy bars any protest that "interferes with speakers' ability to be heard and of community

¹ Aaron Sibarium, *Hundreds of Yale Law Students Disrupt Bipartisan Free Speech Event* (March 16, 2022), <https://freebeacon.com/campus/hundreds-of-yale-law-students-disrupt-bipartisan-free-speech-event/>

² *Id.*

³ *Id.*



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members to listen.”⁴ Yet, according to media reports, the nearly 120 demonstrators who directly violated this policy have yet to suffer any disciplinary consequences.

Yale’s statement in response to these media reports defended the student disruptors and grossly downplayed the chaos they wrought.⁵ Paradoxically, the statement also cites the university’s supposed “bedrock commitment” to free speech.⁶ Yale knows perfectly well that neither the panelists, nor the moderator, a Yale professor, were able to speak freely (as [multiple audio clips](#) prove).⁷

Indeed, a review of video and audio clips led Yale Law School graduate and legal commentator David Lat to update his original reporting. Mr. Lat wrote that “[t]he disruption was much worse than I originally reported” and that “[t]he event *was* significantly disrupted, even if it wasn’t totally canceled... and managed to limp to a conclusion.”⁸ Mr. Lat also noted the students’ raucous behavior disrupted classes, tests, and faculty meetings. He recounts that students in another class reported that “the floor was shaking” and that their professor told them to “yell” when called upon so they could be heard.⁹ In its statement, Yale Law officials also said—wrongly—that a police presence was not needed, apparently trying to appease the two-thirds of the Yale Law students who signed a letter complaining that police got involved in what the students misrepresented as a “peaceful” dialogue.¹⁰

It is also notable that the students involved cited the Southern Poverty Law Center’s discredited, divisive, and politically-motivated “hate group” map in its attacks against Ms. Waggoner and others.¹¹

⁴ *Id.*

⁵ We acknowledge Dean Gerken’s subsequent statement issued March 28. See <https://law.yale.edu/yls-today/news/message-dean-gerken-march-10-protest>. However, it does not satisfy our concerns. Among other things, it continues to downplay the students’ unruly behavior, implicitly suggests that their treatment of the panelists was understandable, and raises serious doubts about Yale Law School’s stated intention to cultivate a free speech culture.

⁶ Ronny Reyes and Natasha Anderson, *Yale Law refuses to condemn students who threatened to fight conservative debater at free speech event: Says staff are having a 'serious conversation' with them about 'expectations' when dealing with people 'inconsistent with our values'*, The Daily Mail (March 17, 2022), <https://www.dailymail.co.uk/news/article-10625581/Yale-Law-DEFENDS-students-shouted-ill-fight-b-tch-conservative-debater.html>.

⁷ <https://vimeo.com/adfmedia/review/689497749/08bb24ab34>;
<https://vimeo.com/adfmedia/review/689497918/64a46d50ea>

⁸ David Lat, *Is Free Speech In American Law Schools A Lost Cause?*, Original Jurisdiction (March 17, 2022, Update March 18, 2022), <https://davidlat.substack.com/p/is-free-speech-in-american-law-schools?s=r>.

⁹ *Id.*

¹⁰ Open Letter to YLS Administrators on Police Presence in SLB (March 12, 2022), <https://freebeacon.com/wp-content/uploads/2022/03/Open-Letter-to-YLS-Administrators-on-Police-Presence-in-SLB.pdf>.

¹¹ Commentators, journalists, and former SPLC employees across the ideological spectrum have been warning for decades that the SPLC is a thoroughly discredited, partisan, and unreliable organization. See Nathan J. Robinson, *The Southern Poverty Law Center Is Everything That’s Wrong With Liberalism*, Current Affairs (Mar. 26, 2019), <https://www.currentaffairs.org/2019/03/the-southern-poverty-law-center-is-everything-thats-wrong-with->



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This is not the first time that SPLC's deeply ideologically partisan and demagogic shenanigans have played a role in prompting disorderly and physically dangerous actions. For example, students cited SPLC statements as a reason they rioted and assaulted a female professor at Middlebury College in 2017.¹² And outside the campus setting, Floyd Corkins cited SPLC claims as motivation for his attempted mass murder at the Family Research Council in 2012.¹³

Yale should be concerned about SPLC's rhetoric causing threatening and violent behavior on college campuses, which it has now experienced firsthand. Aspiring lawyers could derail their promising careers if they are motivated by SPLC propaganda to engage in acts of disruption, intimidation, and worse.

Indeed, that prospect is already at Yale's doorstep. According to Reuters, a federal appeals court judge sent an email to all federal judges urging them to think twice before hiring any Yale student who participated in the threatening and speech-censoring activities on March 10: "All federal judges – and all federal judges are presumably committed to free speech – should carefully consider whether any such student so identified should be disqualified for potential clerkships."¹⁴

The *Wall Street Journal* editorial board highlighted this statement on March 20, adding that "these are adults, not college sophomores. They are law students who will soon be responsible for protecting the rule of law... If these students are so blinkered by ideology that they can't tolerate a debate over civil liberties on campus, the future of the American legal system is in jeopardy."¹⁵

Dean Gerken, we urge you to take concrete action to correct the course of Yale Law School. Our nation desperately needs the next generation of attorneys, legislators, judges, and Supreme Court justices to be marked by the character and values that undergird the American legal profession and a free society.

[liberalism](#); Shikha Dalmia, *The Sad Hysteria of the Southern Poverty Law Center*, The Week (March 20, 2018), <http://theweek.com/articles/759498/sad-hysteria-southern-poverty-law-center>; Ben Schreckinger, *Has a Civil Rights Stalwart Lost Its Way?*, Politico (July/August 2017), <https://www.politico.com/magazine/story/2017/06/28/morris-dees-splc-trump-southern-poverty-law-center-215312/>; Bob Moser, *The Reckoning of Morris Dees and the Southern Poverty Law Center*, The New Yorker (March 21, 2019), <https://www.newyorker.com/news/news-desk/the-reckoning-of-morris-dees-and-the-southern-poverty-law-center>.

¹² Ronald Radosh, *Liberal Intolerance Revives as Charles Murray Is Chased From Middlebury College*, The Daily Beast (March 6, 2017), <https://www.thedailybeast.com/liberal-intolerance-revives-as-charles-murray-is-chased-from-middlebury-college>.

¹³ Carol Cratty and Michael Pearson, *DC shooter wanted to kill as many as possible, prosecutors say*, CNN (Feb. 6, 2013), <https://www.cnn.com/2013/02/06/justice/dc-family-research-council-shooting/index.html>.

¹⁴ Nate Raymond and Karen Sloan, *Conservative judge urges U.S. judiciary to not hire Yale protesters as clerks*, Reuters (March 17, 2022), <https://www.reuters.com/legal/legalindustry/conservative-judge-urges-us-judiciary-not-hire-yale-protesters-clerks-2022-03-17/>.

¹⁵ The Editorial Board, *Yale Law Students for Censorship*, The Wall Street Journal (March 20, 2022), https://www.wsj.com/articles/yale-law-students-for-censorship-silberman-shouting-panel-federalist-society-free-speech-hiring-11647793665?mod=hp_opin_pos_2.



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These include, at the very least, respect for the right to freedom of speech, a commitment to living peacefully with one another despite differences, and esteem for truly open dialogue and debate.

What happened at Yale Law School on March 10, 2022 was disgraceful. But it creates an opportunity for you to send a clear message to the country about the importance of free speech and civil discourse. We ask that you take the following actions:

- 1) Commit to your own students and others that Yale Law School administrators will use their best efforts to protect and cultivate a culture of free speech on campus.
- 2) Commit to ensuring that speakers with diverse views are welcome at Yale.
- 3) Condemn the behavior of students who violated other people's rights on March 10 and take appropriate disciplinary actions in keeping with Yale's free speech policies.
- 4) Retract and/or issue corrections to Yale Law School's initial statement concerning the events of March 10.

We thank you for your consideration and welcome any follow-up conversation you would find beneficial.

Sincerely,

The Undersigned



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