



retaliatory action as inconsistent with free speech and academic freedom principles. The American Association of University Professors censured UIUC for its treatment of Salaita, citing a due process violation in the dismissal of an already-appointed faculty member. Calling Salaita's dismissal "one of the more significant violations of academic freedom this decade," the chair of the AAUP's Committee A on Academic Freedom and Tenure, Henry Reichman, professor emeritus of history at California State University at East Bay, commented: "One may consider the contents of his tweets to be juvenile, irresponsible, and even repulsive and still defend Salaita's right to produce them."

Again, I must underscore the striking factual distinctions between the scope, content, and tenor of Salaita's tweets, and Ilya Shapiro's. But those factual distinctions only underscore the importance of honoring the general principles that are common to both situations; extra-mural social media posts about public issues do not justify any retaliatory action by the university, specifically including the withdrawal of a job.

Although Georgetown Law School, as a private sector entity, is not directly bound by the First Amendment, it is contractually, as well as morally, bound to respect the same general free expression and academic freedom rights by virtue of its commendably strong pledges to do so. For example, Georgetown's Faculty Handbook adopts the American Association of University Professors' 1940 Statement on Academic Freedom. Moreover, the Faculty Handbook states that its "commitment to academic freedom supports all faculty (and professional librarians) in research, teaching, and professional service in and beyond the University by protecting free inquiry and free expression."

Another private university recently garnered high marks for respecting academic freedom and free speech – in stark contrast to the UIUC/Salaita incident – in a situation that was also comparable to Ilya Shapiro's in terms of the general principles at stake (although not, again, in terms of the specific ideas at issue). In 2020, Dorian Abbot, a professor in the University of Chicago's (UChicago) Department of Geophysical Science, posted four YouTube videos critiquing affirmative action and diversity, equity, and inclusion initiatives. Many members of his department, as well as other members of the UChicago community, demanded that he should be punished, maintaining that he had "threaten[ed] the safety and belonging of all underrepresented groups within the department." Rather than yielding to such pressures, the then-UChicago President, Robert Zimmer, promptly issued a statement that summarized that university's commitment to free speech, and therefore categorically refused to impose "any. . . disciplinary consequences" on any faculty member for any statement, including one inconsistent with the university's own policies. As Zimmer explained: "[N]o individual member of the faculty speaks for the University as a whole on any subject, including on issues of diversity. In turn, the University will continue to defend vigorously any faculty member's right to publish and discuss his or her ideas." By not expressly referring to Abbot or his contested ideas, Zimmer's

letter underscores the university's commitment to consistently enforce the general academic freedom/free speech principles it has pledged to honor, regardless of the speaker's identity or ideas.

Notably, Zimmer's letter is based in substantial part on the well-known UChicago "Report of the Committee on Freedom of Expression," better known as the "Chicago Principles." Georgetown is one of many universities that have adopted a version of those Principles. Accordingly, Georgetown promises that "[d]eliberation or debate may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or ill conceived."

Since the particular positions for which Georgetown hired Ilya Shapiro are Executive Director and Senior Lecturer at the Georgetown Center for the Constitution, his case provides an especially compelling context for Georgetown to abide by the important constitutional norms that it has committed to honor.

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