

Ilya Shapiro
Director of Constitutional Studies
Manhattan Institute

New York Advisory Committee to the U.S. Commission on Civil Rights
“*Discrimination Against Jews on College and University Campuses Since Oct. 7, 2023*”
June 9, 2026

Thank you for inviting me to discuss these important issues. I think we all recognize that higher education is in crisis, one thrust into the national discourse after October 7, 2023. It’s amazing that the heart of antisemitism in America lies on campus, among the most educated and progressive people in the country. Erwin Chemerinsky, dean of Berkeley Law, wrote soon after Hamas’s attack on Israel that, as a 70-year-old Jewish man, “never in my life have I seen or felt the antisemitism of the last few weeks.”¹ Some of us were less surprised, given the anti-Israel, anti-American, and generally anti-Western ideology that’s taken root in higher education.

As Bill Ackman put it in a revelatory essay posted the same day Harvard president Claudine Gay resigned, antisemitism is the “canary in the coal mine,” a warning about larger issues.² It’s a leading indicator of underlying pathologies, which here means everything from cancel culture to indoctrination, intellectual corruption to moral decay. We’ve seen a subversion of the core mission of universities to seek truth and knowledge, and of classical liberal values like free speech, due process, and equality under the law. It’s been a shift from education to activism.

The root cause of all of this is a noxious postmodern ideology that contends that truth is subjective and must be viewed through lenses of race, gender, and other identity categories, according to some privilege hierarchy. Your rights and freedoms depend on whether you’re part of a class deemed oppressor or oppressed. Jews are coded as oppressors and, once that move is made, the same campuses that can detect microaggressions invisible to the naked eye suddenly become blind to students being harassed, blocked, spat on, or told that their people had it coming.

In my book *Lawless*, I explain how legal education has been transformed by this ideology.³ Law schools are different from academic departments. They train future lawyers, politicians, judges, prosecutors, general counsel, and agency officials—the gatekeepers of our legal and political institutions. When law students are taught that due process and free speech are tools of oppression, or that equal application of law entrenches white supremacy, the damage enters courtrooms, boardrooms, government offices, and the enforcement apparatus of the state.

October 7 exposed how advanced the rot had become. At law schools, the reaction included a student bar leader at NYU blaming Israel for the Hamas massacre; a disruption of a dinner at Dean Chemerinsky’s home; and editors of the *Columbia Law Review* demanding academic dispensation after police cleared an encampment. These were not isolated excesses by teenagers who needed to mature. They were the predictable product of institutions that have spent years telling students that politics is a morality play, that “harm” is whatever the most ideologically favored complainant says it is, and that rules must bend to power-laden narratives.

¹ Erwin Chemerinsky, “Nothing has prepared me for the antisemitism I see on college campuses now,” *L.A. Times*, Oct. 29, 2023, <https://tinyurl.com/my8bnu9c>.

² Bill Ackman, “How to Fix Harvard,” *The Free Press*, Jan. 3, 2024, <https://www.thefp.com/p/bill-ackman-how-to-fix-harvard>.

³ Ilya Shapiro, *Lawless: The Miseducation of America’s Elites* (2025).

That framing also explains the bizarre asymmetry in institutional reactions. Universities that can issue rapid, confident statements on every fashionable cause suddenly discovered nuance after the worst massacre of Jews since the Holocaust. Administrators who police pronouns and land acknowledgments, and who can find structural violence in a seminar syllabus, became uncertain whether calls for “globalizing the intifada” make Jewish students feel unsafe. This was not principled neutrality. It was selective moral paralysis: silence or equivocation for the unfavored victims, investigation and denunciation for dissenters from progressive orthodoxy.

The key institutional accelerant has been DEI. Two years before October 7, Jay Greene and James Paul published “Inclusion Delusion,” a report that examined public communications by 741 DEI personnel at 65 universities. They found that these staffers tweeted, retweeted, or liked almost three times as many posts about Israel as about China; of the Israel-related posts, 96 percent were critical, while 62 percent of China-related posts were favorable. The report was prescient because it showed that offices supposedly devoted to inclusion were incubating an ideological hostility to the one minority group whose identity is tied, for most Jews, to a national homeland.⁴

Greene and Paul made the point plainly: the problem wasn’t just that DEI offices failed to restrain hostility toward Jews, *but that they often fomented it.*⁵ That finding tracks my own experience and research. DEI bureaucracies don’t promote viewpoint diversity; they enforce orthodoxy. They don’t teach students to resolve conflict under neutral rules; they teach students to sort one another into identity categories and then to apply different standards depending on those categories. They don’t create a campus culture that can handle difficult debates; they create an administrative class with every incentive to manufacture crises that justify its budget and authority.

That’s why campus antisemitism can’t be solved by another bias-response team, another listening session, or another mandatory training administered by the very bureaucracies that helped create the problem. The DEI model asks: Which group is vulnerable, and which group is powerful? But Jews don’t fit neatly into the favored categories. They can be a tiny minority and yet be treated as privileged. They can be targeted for their ethnicity, religion, and peoplehood, yet be told that their fear is really a demand to silence the oppressed. They can be assaulted or excluded, yet administrators respond with exquisitely calibrated statements about “all forms of hate.” The result isn’t inclusion but institutionalized double standards.

Those double standards are especially dangerous in legal education. A law school’s job is to train people who can separate facts from feelings, argument from intimidation, and law from politics. The future lawyer must be able to represent an unpopular client, cross-examine a sympathetic witness, read a hostile precedent, and accept procedural constraints even when he thinks the result unjust. But if law schools teach students that procedures are obstacles to justice and that neutrality is complicity, they aren’t merely failing to educate. They’re creating a cadre of credentialed activists hostile to the very norms that make civil rights enforceable.

The problem is selective rules enforcement. I’ve spent my career defending offensive, unpopular, and even ugly speech. Students must be free to criticize Israel, U.S. foreign policy, or anything else. But there’s no First Amendment right to block Jewish students from campus spaces, urinate on Hillels, occupy buildings, shut down classes, vandalize property, or otherwise create a hostile educational environment based on shared ancestry. Civil rights and free speech are *not* opposing values. Neutral rules, consistently enforced, protect both Jews and everyone else.

⁴ Jay P. Greene and James Paul, “Inclusion Delusion: The Antisemitism of Diversity, Equity, and Inclusion Staff at Universities,” Heritage Foundation, Dec. 8, 2021, <https://tinyurl.com/2sy36vf5>.

⁵ Jay P. Greene and James D. Paul, “Antisemitism Is a Growing Problem Among College Diversity Administrators,” *Newsweek*, Dec. 22, 2021, <https://tinyurl.com/mrxnhfc4>.

That’s why institutional neutrality matters. The schools that have done relatively better since October 7 aren’t those with the most elaborate diversity bureaucracies. They’re the ones willing to say what their mission is, refuse to take official positions on every controversy, and enforce neutral time, place, and manner rules. Greene and Jason Bedrick have pointed to Vanderbilt and Washington University—St. Louis as examples of selective private universities that have maintained clearer commitments to neutrality, free expression, and actual conduct rules. The lesson is simple: when there’s no institutional prize for mob pressure, there’s less reason to mob.⁶

The national free-speech data are grim. FIRE’s 2026 College Free Speech Rankings surveyed students at 257 schools and found that 166 received an F for their speech climate. Barnard ranked last, Columbia second to last, and the report notes that both institutions remained at the center of controversies after October 7.⁷ That’s not a coincidence. A campus unable to protect free expression will also be unable to protect Jews, because both failures arise from the same source: administrators who make decisions based on political pressure rather than neutral principle.

The federal civil-rights framework is straightforward. Title VI prohibits discrimination by recipients of federal funds on the basis of race, color, and national origin; the Department of Education has long understood that protection to include shared ancestry and ethnicity. In 2025, the Department’s Office for Civil Rights sent letters to 60 universities under investigation for antisemitic discrimination, warning them of potential enforcement action if they failed to protect Jewish students’ access to facilities and educational opportunities.⁸ The U.S. Commission on Civil Rights—your boss—is now examining how federal agencies and universities responded to allegations of campus antisemitism since October 7.⁹ That’s exactly the right inquiry.

External accountability is necessary because the internal accountability mechanisms have failed. University presidents, provosts, deans, general counsel, and trustees have often proved unwilling to stand up to the loudest activists on campus. At Harvard, for example, Lawrence Bobo, the dean of social science, wrote that faculty who “excoriate” university leaders in ways that invite external intervention are outside the bounds of acceptable professional conduct. Jay Greene and Robert Maranto rightly saw the problem: a school that mistreats Jewish students shouldn’t be able to intimidate faculty, alumni, donors, or others into silence by invoking “internal discussion.”¹⁰

The Committee should thus look past polished task-force reports and ask for hard evidence: disciplinary records; complaint timelines; communications among university officials, DEI offices, and protest leaders; rules applied to encampments; and comparisons between how schools respond to antisemitic harassment and how they respond to alleged bias against groups more favored by campus ideology. The question isn’t whether administrators issued statements. It’s whether Jewish students received equal protection under the policies that universities themselves wrote and advertised.

⁶ Jason Bedrick and Jay P. Greene, “Jewish Students Are Seeing the South as a Safer Place To Study,” *Jewish News Syndicate*, Sept. 17, 2025, <https://tinyurl.com/mwam2nps>.

⁷ “2026 College Free Speech Rankings,” Foundation for Individual Rights and Expression, 2025, <https://www.fire.org/research-learn/2026-college-free-speech-rankings>.

⁸ U.S. Department of Education, “OCR Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment,” Mar. 10, 2025, <https://tinyurl.com/bj9njkvw>.

⁹ U.S. Commission on Civil Rights, “Public Briefing on Antisemitism on America’s College and University Campuses,” Feb. 11, 2026, <https://tinyurl.com/yzmtyj5p>.

¹⁰ Jay P. Greene and Robert Maranto, “Harvard Dean Threatens Faculty Who Protest School’s Mistreatment of Jews,” *Washington Examiner*, June 25, 2024, <https://tinyurl.com/yc52zk9a>.

When I left Georgetown four years ago, I wasn't holding my breath at the prospect of reform, but maybe now we're finally seeing a backlash to our illiberal inquisitors. But it can't be done solely from within. We need external controls from state legislators and attorneys general, congressional oversight, and, yes, executive-branch action tied to federal funding. Executive Order 14188 directed federal agencies to inventory legal tools and pending matters involving post-October 7 campus antisemitism and to consider how to use existing civil-rights authorities to combat harassment and violence.¹¹ Whatever one thinks of any this or any presidential administration, the principle is sound: taxpayer funds shouldn't subsidize institutions that tolerate discrimination while congratulating themselves on moral sophistication.

We also need exogenous shocks. Judges and employers should ask whether schools that train students to shout down speakers, excuse encampments, or rationalize Hamas apologia are producing graduates with the judgment necessary for positions of trust. Law firms that told deans they wouldn't hire graduates engaged in discrimination or harassment against Jewish students weren't suppressing speech; they were announcing professional standards. There's a difference between viewpoint and conduct, debate and intimidation, zealous advocacy and moral imbecility.

Public exposure also works. In February 2023, the day after the *Wall Street Journal* published John Sailer's account of Texas Tech using diversity statements as ideological litmus tests, the university ended the practice. Sailer, now my Manhattan Institute colleague, has exposed similar abuses elsewhere. Chris Rufo's team of investigative reporters has had a multiplier effect. Sunlight doesn't solve everything, but it makes cowardice more expensive and reform more likely.

Claudine Gay, Harvard's former president, crystallizes the larger problem. She's a mediocre academic who was elevated for advancing progressive orthodoxy while checking intersectional boxes. She's the apotheosis of an anti-intellectual movement that values DEI, identity, and activism over truth-seeking, merit, and education. That movement is designed to prefer commissars over scholars.

But her resignation didn't end Harvard's troubles—because the problem was never just one president. It was the campus culture, the bureaucratic incentives, and the intellectual corruption that facilitated her rise and then produced the institution's disastrous response to antisemitism. Harvard may be the most famous example, Columbia the most visible, but they're not alone.

So what should this Committee recommend? First, enforce Title VI vigorously. Universities must know that federal funds come with enforceable obligations, including civil-rights obligations to Jewish students. Second, require clear conduct rules and consistent discipline for disruption, harassment, vandalism, threats, and exclusion from campus spaces. Third, insist on institutional neutrality for matters outside the educational mission, so universities stop rewarding pressure campaigns. Fourth, abolish DEI bureaucracies, leaving only civil-rights compliance functions that operate under neutral law rather than ideological activism. Fifth, protect academic freedom and free speech with equal seriousness, because lawful expression isn't discrimination and discrimination isn't expression merely because it's dressed up as politics.

The aim is not to make campuses "pro-Israel." The aim is to make them universities again: places where students learn to reason, debate, listen, and live under neutral rules. Jewish students don't need special favors. They need the same protection that administrators would rush to provide any favored group: access to campus, equal treatment, and freedom from harassment and intimidation. They need universities to rediscover that equality under the law is not a slogan but a discipline.

Nor should reform be confused with censorship. Universities shouldn't ban controversial ideas, including harsh criticism of Israel. They should instead recover the distinction that once was

¹¹ Executive Order 14188, "Additional Measures to Combat Anti-Semitism," Jan. 29, 2025, <https://www.govinfo.gov/content/pkg/DCPD-202500196/pdf/DCPD-202500196.pdf>.

obvious: speech is protected, conduct can be punished, and harassment that denies educational access is a civil-rights problem. Administrators have blurred that distinction in both directions, treating disfavored speech as violence and intimidation as expression. Restoring the distinction would help Jewish students, but also every student who wants an education instead of an ideological boot camp.

Antisemitism is the canary in the coal mine because it reveals which institutions still believe in their own rules. A university that can't condemn the slaughter of Jews without consulting an intersectional matrix has lost its moral bearings. A law school that can't distinguish protected speech from targeted harassment has failed at its most basic pedagogical task. And a bureaucracy that sees Jews as too privileged to count has forfeited any claim to the word "inclusion."

There's still a long way to go before universities return to their mission of seeking truth and knowledge, and law schools return to their goal of teaching future lawyers to uphold the rule of law. But the battle has been joined.