

YOU ARE THE LAST LINE OF DEFENSE

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When Gene Meyer gave me a list of the people who had previously given the Barbara Olson lecture, I was sure you guys had made a mistake in inviting me. I am not a lawyer or a legal scholar or a former attorney general. I have, in my time, edited dozens of op-eds about *Chevron* deference, but I'm still not quite sure what that means.

Nor am I a member of the Federalist Society. My parents, who probably couldn't afford the local country club, raised us on the Groucho Marx line: I don't want to belong to any club that would have me as a member.

Then there's the question of my politics. I hear you guys are conservative. Forgive me, then: I'd like to begin by acknowledging that we are standing on the ancestral, indigenous land of Leonard Leo. *ProPublica* tells me that Washington is his turf.

Then I googled Barbara Olson.

I had the privilege of editing some op-eds by Ted when I worked at the *Wall Street Journal*. I knew that his wife was murdered by al-Qaeda on 9/11.¹ But over the past weeks I spent time reading about Barbara herself.

* Bari Weiss is the founder and editor of *The Free Press*. Ms. Weiss delivered these remarks as the 22nd Annual Barbara K. Olson Memorial Lecture on November 10, 2023, at the Federalist Society National Lawyers Convention.

1. Tim O'Brien, *Wife of Solicitor General alerted him of hijacking from plane*, CNN (Sept. 12, 2001, 2:06 AM), <https://edition.cnn.com/2001/US/09/11/pentagon.olson/> [https://perma.cc/DB52-XPNP].

I read about a Texas girl, the daughter of German immigrants, who was ferociously independent.² I read about how she, a Catholic, wound up at Cardozo Law School at Yeshiva University.³ And I read about how, when she was an intern at the Department of Justice, she was apparently the only person with enough *chutzpah* to personally serve papers to the PLO Mission at the UN telling them they were being expelled from the country because they were terrorists.⁴

I learned that she was on American Airlines flight 77 because she was headed to L.A. to be on Bill Maher's show . . . and because she had changed her flight to have a birthday dinner with Ted.⁵

And I learned that she had the composure and clarity and courage to call him not once but twice in those horrifying moments before the plane slammed into the Pentagon.⁶

There is a phrase Jews say to mourners when a person dies: may their memory be for a blessing. It is an expression of hope. It is so clear in the case of Barbara Olson—the way the force of her life and her character echoes on—that it is very much a blessing fulfilled.

To say that I am honored to give a lecture in the name of this exceptional woman would be an understatement.

It is also, since the massacre of October 7—a date that will be seared into the memory of civilized peoples, alongside September 11—profoundly fitting. I do not think it is a coincidence that Israel is the only country, outside of America, that is home to a 9/11 memorial bearing all of the victims' names.⁷

2. Theodore B. Olson, *Innately American*, CARDOZO LIFE 34 (Spring 2002), <https://cardozo.yu.edu/sites/default/files/2020-06/Barbara%20Olson.pdf> [<https://perma.cc/M4DX-VQRF>].

3. *Id.*

4. *Id.* at 35.

5. *Remembering 9/11: Barbara Olson fought for life until her final minutes, now Ted Olson does too*, FOX 5 DC (Sept. 11, 2021), <https://www.fox5dc.com/news/remembering-9-11-barbara-olson-fought-for-life-until-her-final-minutes-now-ted-olson-does-too> [<https://perma.cc/7267-DQ7R>].

6. *Id.*

7. Leah Hakimian, *Did you know . . . how Jerusalem remembers 9/11?*, JERUSALEM POST (June 20, 2019, 1:40 PM), <https://www.jpost.com/israel-news/did-you-know-593131> [<https://perma.cc/P3D5-Y6KC>].

Of course that is what we must talk about tonight. The civilizational war we are in. The war that took the life of Barbara Olson and 3,000 other innocent Americans on that morning in September 2001. The war that came, hideously, across the border from Gaza into Israel on that Shabbat morning a month ago. The war that too many had foolishly thought was over.

The physical war currently raging in the Middle East—with its questions about the way to defeat Hamas and other members of the jihadist death cult; the kind of operation Israel should currently be prosecuting in Gaza; how America should abandon its fatal appeasement of Iran; and a hundred other similar strategic questions—that is a subject for another speech, one for which there are many more qualified people to deliver.

Tonight, I'd like to talk about the war of ideas and of conviction and of will that faces us as Americans. I want to talk about the stakes of that war. About how we must wage it—fearlessly and relentlessly—if we seek to build a world fit for our children, and if we want to save America itself.

* * *

By the time Americans woke up on October 7, 2023, it was clear that what had unfolded while we slept was not like previous wars or battles Israel has fought in its 75-year history.⁸ This was a genocidal pogrom. It was a scene out of the many places Jews had fled—a scene from the history of the Nazi Holocaust⁹ and of the European pogroms¹⁰ before that and of the Farhud,¹¹ the 1941 massacre of Jews in Baghdad, a city that, it's hard to believe now, was 40 percent

8. Isabel Debre, *Gunfire, rockets and carnage: Israelis are stunned and shaken by unprecedented Hamas attack*, AP NEWS (last updated Oct. 7, 2023, 5:11 PM), <https://apnews.com/article/israel-palestinians-militants-hamas-war-gaza-rockets-captives-6870d4d97883e4807cea48cb5bb33a57> [<https://perma.cc/SD6W-NTEN>].

9. Michael Berenbaum, *Holocaust*, BRITANNICA (last updated Jan. 28, 2024), <https://www.britannica.com/event/Holocaust> [<https://perma.cc/LX9F-DCLK>].

10. *Pogroms*, HISTORY.COM (last updated Aug. 21, 2018), <https://www.history.com/topics/european-history/pogroms> [<https://perma.cc/VW9X-98MM>].

11. Sarah Ehrlich, *Farhud memories: Baghdad's 1941 slaughter of the Jews*, BBC NEWS (June 1, 2011), <https://www.bbc.com/news/world-middle-east-13610702> [<https://perma.cc/EQV8-FXXA>].

Jewish at the beginning of the twentieth century¹²—all of which remind us of Israel's necessity.

The Hamas terrorists came across the border into southern Israel on foot and on motorbike.¹³ They came by truck and by car and by paraglider.¹⁴ And they came with a plan. They came to Israel to murder and maim and mutilate anyone they could find. That is what they did.

These Cossacks had smartphones. They called their families to brag that they had murdered Jews.¹⁵ *Dad, Dad, I killed ten Jews!* Others filmed the slaughter with GoPros.¹⁶ Some used the cellphones of their victims to upload the footage of their torture and murder to their Facebook pages.¹⁷ In all of this, the terrorists are euphoric. No one who has watched the unedited footage fails to note the glee of the butchers.

Some Israelis were literally disappeared on October 7—burned at such high heat that volunteers are still sifting through the bones and the remnant teeth to identify them.¹⁸ But we know that more

12. Ido Levy, *Reclaiming Iraq's Jewish Heritage*, FIKRA FORUM (Oct. 19, 2021), <https://www.washingtoninstitute.org/policy-analysis/reclaiming-iraqs-jewish-heritage#:~:text=By%20the%20early%2020th,portion%20of%20Mosul%27s%20populations> [https://perma.cc/4SCF-7US4].

13. Josef Federman & Issam Adwan, *Hamas surprise attack out of Gaza stuns Israel and leaves hundreds dead in fighting, retaliation*, AP NEWS (last updated Oct. 7, 2023, 11:32 PM), <https://apnews.com/article/israel-palestinians-gaza-hamas-rockets-airstrikes-tel-aviv-11fb98655c256d54ecb5329284fc37d2> [https://perma.cc/XA6D-FBMA].

14. *Id.*

15. *IDF publishes audio of Hamas terrorist calling family to brag about killing Jews*, TIMES OF ISRAEL (Oct. 25, 2023, 5:29 AM), <https://www.timesofisrael.com/idf-publishes-audio-of-hamas-terrorist-calling-family-to-brag-of-killing-jews/> [https://perma.cc/6YZJ-WKEH].

16. *New GoPro footage shows Hamas terrorists infiltrating Israel unopposed on Oct. 7*, TIMES OF ISRAEL (Jan. 9, 2024, 11:29 AM), <https://www.timesofisrael.com/new-gopro-footage-shows-hamas-terrorists-infiltrating-israel-unopposed-on-oct-7/> [https://perma.cc/Z2G4-XRRC].

17. Anna Schecter, *Why can't Facebook stop Hamas from posting grisly videos of the killing of Israeli civilians?*, NBC NEWS (Nov. 1, 2023, 8:46 AM), <https://www.nbcnews.com/news/investigations/cant-facebook-stop-hamas-posting-grisly-videos-killing-israeli-civilian-rcna122966> [https://perma.cc/52KC-K5NH].

18. Jeffrey Fleishman, *Inside the Israeli lab 'reassembling and reconnecting' the mangled bodies of the dead*, L.A. TIMES (last updated Nov. 16, 2023, 7:52 PM),

than 200 people are currently being held hostage by Hamas and that more than 1,400 were murdered in those terrible hours.¹⁹ Among the dead are some thirty American citizens.²⁰ There are at least ten Americans among the hostages.²¹

All of which is why the immediate analogy the world reached for was to 9/11.

As with 9/11, the terrorists caught their victims by surprise on a clear blue morning.

As with 9/11, the spectacle and the savagery were the point.

As with 9/11, the terrorists notched points on their sadistic scoreboard, taking from us not just precious lives, but our sense of our safety and security. They changed something within us.

The difference between 9/11 and 10/7—two massacres of innocent people, symbols to their killers of Western civilization—was the reaction to the horror.

The difference between 9/11 and 10/7 was that the catastrophe of 10/7 was followed, on October 8th, by a different kind of catastrophe. A moral and spiritual catastrophe that was on full display throughout the West before the bodies of those men and women and children had even been identified.

People poured into the streets of our capital cities to celebrate the slaughter.

<https://www.latimes.com/world-nation/story/2023-11-16/la-fg-col1-israel-forensic-pathologist> [<https://perma.cc/M9DS-HM5S>].

19. Daniel Estrin, *Reaching hostages and prisoners, through Israeli and Palestinian radio*, NPR (Feb. 1, 2024, 11:36 AM), <https://www.npr.org/2024/02/01/1228133547/israel-gaza-war-palestinian-radio-messages-hostages-prisoners> [<https://perma.cc/X832-BLFT>].

20. *Israel-Hamas War in Gaza: Latest Update on Sunday, October 15*, BLOOMBERG NEWS (Oct. 15, 2023, 1:34 AM), <https://www.bloomberg.com/news/articles/2023-10-15/israel-latest-rockets-fired-at-tel-aviv-gaza-targets-attacked?embedded-checkout=true> [<https://perma.cc/U4DV-UW6Y>].

21. MJ Lee et al., *US has 'working list' of hostages they believe are likely to be released first by Hamas, source familiar says*, CNN (Nov. 22, 2023, 10:15 PM), <https://www.cnn.com/2023/11/22/politics/us-working-list-hostages-israel-hamas/index.html> [<https://perma.cc/P3GB-P7F3>].

In Sydney, crowds gathered at the Sydney Opera House cheering “gas the Jews.”²² People rejoiced on the streets of Berlin²³ and London²⁴ and Toronto²⁵ and New York.²⁶

Then came BLM Chicago using the paraglider—a symbol of mass death—as a symbol of freedom.²⁷ Then came posters across our campuses calling for Israel to burn.²⁸ Then came our own offices in New York City being vandalized with “Fuck Jews” and “Fuck Israel.”²⁹ Then came Harvard’s task force to create safe spaces for pro-Hamas students.³⁰

22. *Thousands in Australia join pro-Palestinian march over Gaza*, REUTERS (Oct. 21, 2023, 4:55 AM), <https://www.reuters.com/world/middle-east/thousands-australia-join-pro-palestinian-march-over-gaza-2023-10-21/>. [https://perma.cc/TFZ8-TVXL].

23. *Germany bans pro-Hamas activity, dissolves group that celebrated attack on Israel*, TIMES OF ISRAEL (Nov. 2, 2023, 2:56 PM), <https://www.timesofisrael.com/germany-bans-pro-hamas-activity-dissolves-group-that-celebrated-attack-on-israel/> [https://perma.cc/CX2T-PH58].

24. Sam Westrop, *Pro-Hamas Islamists Celebrate, and Gather in London, in the Wake of Israel Slaughter*, MIDDLE EAST FORUM (Oct. 7, 2023), <https://www.meforum.org/64944/pro-hamas-islamists-celebrate-and-gather-in> [https://perma.cc/VX5N-7W5K].

25. Adam Hummel, *Barbarism celebrated on Toronto streets*, TORONTO STAR (Oct. 11, 2023), https://www.thestar.com/opinion/contributors/barbarism-celebrated-on-toronto-streets/article_3f380201-69ed-5393-b99a-2385a199863d.html [https://perma.cc/7UJS-NMRJ].

26. *Chanting ‘700,’ pro-Palestinian activists in New York fete Hamas attack*, TIMES OF ISRAEL (Oct. 9, 2023, 5:09 AM), <https://www.timesofisrael.com/pro-palestinians-celebrate-hamas-attack-as-israel-supporters-rally-in-new-york/> [https://perma.cc/BM7W-EDLX].

27. David Propper, *BLM Chicago admits it ‘isn’t proud’ of deleted post showing paragliding terrorist after outrage*, N.Y. POST (Oct. 11, 2023), <https://nypost.com/2023/10/11/blm-chicago-admits-it-isnt-proud-of-deleted-post-of-hamas-paraglider/> [https://perma.cc/5U9S-HYVN].

28. Elle Reeve, *Protests, fear and pride: US college students reflect on how they’re impacted by Israel-Hamas war*, CNN (Nov. 4, 2023, 8:33 AM), <https://www.cnn.com/2023/11/04/us/us-students-impacted-by-israel-hamas-war/index.html> [https://perma.cc/HJ6W-CNRF].

29. Anthony Adragna, *Two lawmakers report office vandalism over their pro-Israel stances*, POLITICO (Nov. 28, 2023, 10:29 AM), <https://www.politico.com/live-updates/2023/11/28/congress/district-office-vandalism-landsman-valadao-israel-hamas-00128850> [https://perma.cc/3GS6-3LGX].

30. Michael Casey, *Harvard creates task forces on antisemitism and Islamophobia*, AP NEWS (Jan. 19, 2024, 3:28 PM), <https://apnews.com/article/israel-gaza-war-harvard->

Then, as thunder follows lightning, more dead Jews. An anti-Israel protester in Los Angeles killed a 69-year-old Jewish man for the apparent sin of waving an Israeli flag,³¹ though NBC's initial headline made it hard to know: "Man dies after hitting head during Israel and Palestinian rallies in California, officials say."³²

In lockstep, the social justice crowd—the crowd who has tried to convince us that words are violence—insisted that actual violence was actually a necessity. That the rape was resistance. That it was liberation.

University presidents—who leapt to issue morally lucid condemnations of George Floyd's killing or Putin's war on Ukraine—offered silence or mealy-mouthed pablum about how the situation is tragic and "complex" and how we need to think of "both sides" as if there is some kind of equivalence between innocent civilians and jihadists.³³

But the most alarming of all were the young people who threw their support not behind the innocent victims of Hamas terrorism, but behind Hamas.

At George Washington University, a few miles from here, students projected the words "Glory to Our Martyrs" and "Free Palestine from the River to the Sea" in giant letters on campus buildings.³⁴

university-antisemitism-islamophobia-673307f2de8c1fc328743b8c5f084a3c
[<https://perma.cc/2G7K-QQ46>].

31. Joel B. Pollak, *Report: 69-year-old Jewish Man Killed at Pro-Palestinian Rally in L.A.*, BREITBART (Nov. 6, 2023), <https://www.breitbart.com/middle-east/2023/11/06/report-65-year-old-jewish-man-killed-at-pro-palestinian-rally-in-l-a/> [<https://perma.cc/7NC3-K4LE>].

32. Jeffrey Clark, *NBC News changes headline after omitting man killed at pro-Palestinian protest was Jewish*, FOX NEWS (Nov. 7, 2023, 11:30 AM), <https://www.foxnews.com/media/nbc-news-changes-headline-omitting-man-killed-pro-palestinian-protest-jewish> [<https://perma.cc/X8TW-J5MD>].

33. Cheyenne Haslett et al., *Uproar over university presidents' remarks on antisemitism underscores tensions on campuses*, ABC NEWS (Dec. 8, 2023, 7:42 PM), <https://abcnews.go.com/US/uproar-university-presidents-remarks-antisemitism-underscores-tensions-campuses/story?id=105502845> [<https://perma.cc/NC9C-CL9M>].

34. Martin Weil & Susan Svrluga, *GWU suspends group over projection of pro-Palestinian slogans*, WASH. POST (Nov. 14, 2023, 10:10 PM), <https://www.washingtonpost.com>

At Cooper Union in Manhattan, Jewish students had to hide in the library from a mob pounding on the door.³⁵

At Columbia, Professor Joseph Massad called the slaughter “awesome.”³⁶ At Cornell, Professor Russell Rickford said it was “energizing” and “exhilarating.”³⁷

At Harvard, more than 30 student groups signed a petition that found a way to blame Jewish victims for their own deaths—saying that they “hold the Israeli regime entirely responsible for all unfolding violence.”³⁸

At Princeton, hundreds of students chanted, “globalize the intifada” which can mean only one thing: open season on Jewish worldwide.³⁹

At NYU, students held posters that read “keep the world clean” with drawings of Jewish stars in garbage cans.⁴⁰

/education/2023/11/14/gwu-images-palestinian-students-for-justice/ [https://perma.cc/V9JL-8EJT].

35. Luke Tress, *Jewish students locked in NYC’s Cooper Union as protesters chanted ‘Free Palestine’*, TIMES OF ISRAEL (Oct. 26, 2023, 5:46 PM), <https://www.timesofisrael.com/jewish-students-barricade-in-nycs-cooper-union-as-protesters-chant-free-palestine/> [https://perma.cc/QUA6-ACDQ].

36. Noah Bernstein, *Petition calling for removal of MESAAS professor Joseph Massad garners over 47,000 signatures*, COLUMBIA DAILY SPECTATOR (Oct. 17, 2023, 12:35 AM), <https://www.columbiaspectator.com/news/2023/10/17/petition-calling-for-removal-of-mesaas-professor-joseph-masad-garners-over-47000-signatures/> [https://perma.cc/7LSE-7WTU].

37. Jesse O’Neill, *Cornell University professor calls Hamas terror attack ‘exhilarating’ and ‘energizing’*, N.Y. POST (Oct. 16 2023, 4:13 PM), <https://nypost.com/2023/10/16/russell-rickford-says-hamas-terror-was-exhilarating-exciting/> [https://perma.cc/2ZE3-MH8Y].

38. J. Sellers Hill & Nia L. Orakwue, *Harvard Student Groups Face Intense Backlash for Statement Calling Israel ‘Entirely Responsible’ for Hamas Attack*, HARVARD CRIMSON (Oct. 10, 2023), <https://www.thecrimson.com/article/2023/10/10/psc-statement-backlash/> [https://perma.cc/PS72-GN7A].

39. Santhosh Nadarajah, *Princeton SJP Hosts “Walkout for Palestine,” Journalists Face Harassment*, PRINCETON TORY (Nov. 13, 2023), <https://www.theprinceton-tory.com/princeton-sjp-hosts-walkout-for-palestine-journalists-face-harassment/> [https://perma.cc/8L4A-6DMH].

40. Jen Smith, *EXCLUSIVE: NYU Investigating ‘Repugnant’ Students Who Held Anti-Semitic ‘Keep the World Clean’ Signs at Washington Square Park Protest*, DAILY MAIL (Oct. 25, 2023), <https://www.dailymail.co.uk/news/article-12672281/NYU-investigating-repugnant-students-held-anti-Semitic-world-clean-signs-Washington-Square-Park-protest.html> [https://perma.cc/FW9V-7S6M].

Hip, young people with pronouns in their bios are not just chanting the slogans of a genocidal death cult. They are tearing down the photographs of women and children who are currently being held hostage in the tunnels that run under the Gaza Strip.⁴¹ They do so with pleasure. They laugh. They mock the 9-month-old baby who was stolen from his parents.⁴²

In doing so, they are tearing down—or at least trying to tear down—the essence of our common humanity, or even the reality that hostages were taken at all. Or maybe it’s that they are trying to extinguish the memory of the hostages, who to them are not worth saving . . . or actually had it coming to them.

Or maybe—and I say this as the mother of a young child whose face I see in the face of every captive—they are trying to tear down the divine image that is at the root of our civilization’s conception of the dignity of every human life.

What could possibly explain this?

The easy answer is that the human beings who were slaughtered on October 7th were Jews. And that antisemitism is the world’s oldest hatred. And that in every generation someone rises up to kill us. “They tried to wipe us out, they failed, let’s eat” as the old Jewish joke goes.⁴³

But that is not the whole answer. *Because the proliferation of anti-semitism, as always, is a symptom.*

When antisemitism moves from the shameful fringe into the public square, it is not about Jews. It is never about Jews. It is about everyone else. It is about the surrounding society or the culture or

41. Katherine Rosman, *How Posters of Kidnapped Israelis Ignited a Firestorm on American Sidewalks*, N.Y. TIMES (Oct. 31, 2023), <https://www.nytimes.com/2023/10/31/nyregion/israel-gaza-kidnapped-poster-fight.html> [<https://perma.cc/W3NZ-BPEB>].

42. See Isabelle Stanley, *Vile Moment Smirking Woman Gives FINGER at Truck Bearing Image of Kidnapped Israeli Child in Manhattan—As Laughing Friend in Hijab Films Her*, DAILY MAIL (Oct. 19, 2023), <https://www.dailymail.co.uk/news/article-12649399/Vile-moment-smirking-woman-gives-FINGER-truck-bearing-image-kidnapped-Israeli-child-Manhattan-laughing-friend-hijab-films-her.html> [<https://perma.cc/64A5-ZPB2>].

43. Uri Pilichowski, *How Purim Celebrations Transition to Passover*, JERUSALEM POST (Mar. 19, 2022), <https://www.jpost.com/opinion/article-701751> [<https://perma.cc/XQ8D-J8ND>].

the country. It is an early warning system—a sign that the society itself is breaking down. That it is dying.

It is a symptom of a much deeper crisis—one that explains how, in the span of a little over 20 years since September 11th, educated people now respond to an act of savagery not with a defense of civilization, but with a defense of barbarism.

It was twenty years ago when I began to encounter the ideology that drives the people who tear down the posters. It was twenty years ago, when I was a college student, that I started writing about a nameless, then-niche worldview that seemed to contradict everything I had been taught since I was a child.

At first, things like postmodernism and postcolonialism and post-nationalism seemed like wordplay and intellectual games—little puzzles to see how you could “deconstruct” just about anything. What I came to see over time was that it wasn’t going to remain an academic sideshow. And that it sought nothing less than the deconstruction of our civilization from within.

It seeks to upend the very ideas of right and wrong.

It replaces basic ideas of good and evil with a new rubric: the powerless (good) and the powerful (bad). It replaced lots of things. Color blindness with race obsession. Ideas with identity. Debate with denunciation. Persuasion with public shaming. The rule of law with the fury of the mob.

People were to be given authority in this new order not in recognition of their gifts, hard work, accomplishments, or contributions to society, but in inverse proportion to the disadvantages their group had suffered, as defined by radical ideologues.

And so, as an undergraduate, I watched in horror, sounding alarms as loudly as I could. I was told by most adults I knew that yes, it wasn’t great, but not to be so hysterical. Campuses were always hotbeds of radicalism, they said. This ideology, they promised, would surely dissipate as young people made their way in the world.

They were wrong. It did not.

Over the past two decades, I saw this inverted worldview swallow all of the crucial sense-making institutions of American life. It

started with the universities. Then it moved beyond the quad to cultural institutions—including some I knew well, like *The New York Times*—as well as every major museum, philanthropy, and media company. It's taken root at nearly every major corporation. It's inside our high schools and our elementary schools.

And it's come for the law itself. This is something that will not come as a surprise to the Federalist Society. When you see federal judges shouted down at Stanford,⁴⁴ you are seeing this ideology. When you see people screaming outside of the homes of certain Supreme Court justices—causing them to need round-the-clock security—you are seeing its logic.⁴⁵

The takeover of American institutions by this ideology is so comprehensive that it's now almost hard for many people to notice it—because it is everywhere.

For Jews, there are obvious and glaring dangers in a worldview that measures fairness by equality of outcome rather than opportunity. If underrepresentation is the inevitable outcome of systemic bias, then overrepresentation—and Jews are 2 percent of the American population⁴⁶—suggests not talent or hard work, but unearned privilege. This conspiratorial conclusion is not that far removed from the hateful portrait of a small group of Jews divvying up the ill-gotten spoils of an exploited world.

But it is not only Jews who suffer from the suggestion that merit and excellence are dirty words. It is every single one of us. It is strivers of every race, ethnicity, and class. That is why Asian American success, for example, is suspicious. The percentages are off. The

44. David Leonhardt, *Free Speech (or Not) at Stanford*, N.Y. TIMES (Mar. 24, 2023), <https://www.nytimes.com/2023/03/24/briefing/campus-free-speech.html> [https://perma.cc/FL2B-ENMQ].

45. Libby Cathey, *Security Tightened For Supreme Court Justices As Protests Extend to Alito's Home*, ABC NEWS (May 10, 2022), <https://abcnews.go.com/Politics/security-tightened-supreme-court-justices-protests-extend-alitos/story?id=84617908> [https://perma.cc/D3WC-86DE].

46. *The Size of the U.S. Jewish Population*, PEW RSCH. CTR. (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/the-size-of-the-u-s-jewish-population/> [https://perma.cc/AP4P-FVSB].

scores are too high. The starting point, as poor immigrants, is too low. From whom did you steal all that success?

The weeks since October 7th have been a mark to market moment. In other words, we can see how deeply these ideas run. We see that they are not just metaphors.

Decolonization isn't just a turn of phrase or a new way to read novels. It is a sincerely held political view that serves as a predicate to violence.

If you want to understand how it could be that an editor of the Harvard Law Review could physically intimidate a Jewish student⁴⁷ or how a public defender in Manhattan recently spent her evening tearing down posters of kidnapped children,⁴⁸ it is because *they believe it is just*.

Their moral calculus is as crude as you can imagine: they see Israelis and Jews as powerful and successful and "colonizers," so they are bad; Hamas is weak and coded as people of color, so they are good. No, it doesn't matter that most Israelis are "people of color."

That baby? He is a colonizer first and a baby second. That woman raped to death? Shame it had to come to that, but she is a white oppressor.

* * *

This is the ideology of vandalism in the true sense of the word—the Vandals sacked Rome. It is the ideology of nihilism. It knows nothing of how to build. It knows only how to tear down and to destroy.

And it has already torn down so very, very much. The civilization that feels as natural to us as oxygen? That takes thousands of years,

47. Israeli Harvard Business School Student Accosted and Harassed Amid Gaza 'Die-In' on Campus, WASH. FREE BEACON (Oct. 21, 2023), <https://freebeacon.com/campus/israeli-harvard-business-school-student-accosted-and-harassed-amid-gaza-die-in-on-campus/> [https://perma.cc/TMW7-QEJC].

48. Sarah Rumpf-Whitten, *New York City Public Defender Resigns After Being Caught Tearing Down Israel-Hamas War Hostage Posters*, FOX NEWS (Nov. 7, 2023), <https://www.foxnews.com/us/new-york-city-public-defender-resigns-caught-tearing-down-israel-hamas-hostage-posters> [https://perma.cc/Y6M6-NXE9].

thousands of nudges of progress, thousands of risks, thousands of forgotten sacrifices to build up. But vandals can make quick work of all that.

Reagan used to say that freedom is never more than one generation from extinction.⁴⁹ The same can be said of civilization.

If there can be anything good that has come out of this nightmare that began on October 7th it is this: we have been shaken awake. We know the gravity of the stakes. And they are not theoretical. They are real.

So what do we do?

First: look. We must recover our ability to look and to discern accordingly. We must look past the sloganeering and the propaganda and take a hard look at what's in front of our eyes.

Look first at what just happened. At the barbarism that Hamas carried out.

Look at the reaction to it. Take stock of how profoundly the lies and the rot have traveled. How badly the forces of civilization are faring in this battle. How it is the most educated, the most pedigreed who have become the most morally confused. The suspect in the killing of Paul Kessler is a college professor.⁵⁰

To see the world as it is, we must prize the distinctions between good and bad. Better and worse. Pain and not pain. Safety and danger. Just and unjust. Friends and enemies.

I do not need "context" to know that tying children to their parents and burning them alive is pure evil, just as I do not need a history lesson on the Arab-Israeli conflict to know that the Arab Israelis who saved scores of Jewish Israelis that day are righteous.

Look at your enemies and your allies.

49. Ronald Reagan, Inaugural Address as Governor of California (Jan. 5, 1967), <https://www.reaganlibrary.gov/archives/speech/january-5-1967-inaugural-address-public-ceremony> [<https://perma.cc/72SB-B2NS>].

50. Richard Winton et al., *Moorpark Professor Arrested in Death of Jewish Protester Paul Kessler in Thousand Oaks*, L.A. TIMES (Nov. 16, 2023), <https://www.latimes.com/california/story/2023-11-16/moorpark-professor-arrested-in-death-of-paul-kessler> [<https://perma.cc/WFL6-YAFC>].

And I say this more to myself than *to you*. Many of you have no doubt understood this longer than I have. But for many people, friends and enemies are likely not who they thought they were before October 7th. Looking at who your friends and enemies are might mean giving up nice things. Giving up Harvard. Or the club. Or your *New York Times* subscription . . . wait, wrong crowd.

You get the point. The point is that things—that prestige—aren't the point of our lives. Harvard and Yale don't give us our value. We do. And something beyond ourselves. Something visible in those faces so many of our fellow citizens are determined to rip off the wall. And in the faces before me now.

In recognizing allies, I'll be an example. I am a gay woman who is moderately pro-choice. I know there are some in this room who do not believe my marriage should have been legal. And that's okay, because we are all Americans who want lower taxes.

But seriously: I am here because I know that in the fight for the West, I know who my allies are. And my allies are not the people who, looking at facile, external markers of my identity, one might imagine them to be. My allies are people who believe that America is good. That the West is good. That human beings—not cultures—are created equal and that saying so is essential to knowing what we are fighting for. America and our values are worth fighting for—and that is the priority of the day.

The other thing to look for is the good. Look hard for the good and don't lose sight of it.

New York coffee shop owner Aaron Dahan had all of his baristas quit when he placed an Israeli flag in the window and began fundraising for Magen David Adom—the Israeli Red Cross.⁵¹

But his café didn't close—quite the opposite. Suppliers sent him free shipments of beans and cups.⁵² Community members picked

51. Reuven Fenton et al., *Jewish NYC Cafe Owner Says Suppliers Stepped Up After Anti-Israel Baristas Walked Out, Donating Coffee Beans and Cups*, N.Y. POST (Nov. 8, 2023), <https://nypost.com/2023/11/08/metro/jewish-cafe-owner-reveals-generosity-of-suppliers-after-anti-israel-baristas-walked-out/> [<https://perma.cc/CV7L-RWC7>].

52. *Id.*

up shifts for free.⁵³ There were lines around the block to buy a cup of coffee.⁵⁴ The cafe made \$25,000 in a single day.⁵⁵

Just this week, American cowboys from the Great Plains and the Rockies traveled to Israel to tend to the fields and animals of Israeli farmers who were killed in the past month.⁵⁶ This is the opposite of the cheap solidarity of standing with Hamas that we see across our campuses and city centers. This is the essence of the West—of the idea that free societies must stand together.

It is not just, as I believe James Woolsey said, that we are all Jews now.⁵⁷ The reverse is also true. Israel is a mirror for the West, and for the United States—whose founders saw a version of themselves in the biblical nation that also inspired modern Zionists whose grieving descendants today are looking toward America with gratitude, but also with alarm, sensing a shared struggle ahead.

Second: we—you—must enforce the law.

The wave of elected so-called “progressive prosecutors” has proven to be an immensely terrible thing for law and order in cities across America.⁵⁸ It turns out that choosing not to enforce the law doesn’t reduce crime. It promotes it.

It is no coincidence that many of the same activists who have pushed to “defund the police” are also now publicly harassing Jews. Everyone needs equal protection, not only of the law but from the forces of chaos and violence. In Brooklyn, there have been an unconscionable number of violent attacks against Orthodox Jews over

53. *Id.*

54. *Id.*

55. *Id.*

56. Brianna Herlihy, *Real-life American Cowboys Ride In to Help Israeli Farmers Under Siege After Hamas Terror Attacks*, FOX NEWS (Nov. 13, 2023), <https://www.foxnews.com/us/american-cowboys-saddle-up-help-israeli-farmers-front-line-hamas-attack> [https://perma.cc/2955-BJDX].

57. R. James Woolsey, *Opinion, We Are All Jews*, JERUSALEM POST, Sept. 26, 2003.

58. Zack Smith & Charles Stimson, *Rogue Progressive Prosecutors Promote Lawlessness Not Reform*, HERITAGE FOUNDATION (Aug. 29, 2022), <https://www.heritage.org/crime-and-justice/commentary/rogue-progressive-prosecutors-promote-lawlessness-not-reform> [https://perma.cc/M5K8-QMEC].

the past decade, correctly identified as hate crimes.⁵⁹ But they are also simply crimes that, if the law were upheld, would be far less likely to happen—whatever their motivation.

Masking at a protest is illegal in many states so that it does not become an attempt at mass-intimidation, à la the KKK.⁶⁰ Now maybe that's a good idea—maybe it's a bad one. But in nearby Virginia, it happens to be the law.⁶¹ And yet, as David Bernstein recently pointed out in Eugene Volokh's blog, at George Mason University's Fairfax campus nearly all the protesters at a recent Students for Justice in Palestine rally were masked and covered.⁶² Were they punished for breaking the law? I suspect if they had we would have read about it.

The rallies would likely be less susceptible to erupting in violence if the attendants weren't hiding their faces. So don't allow selective enforcement of this law, or any others. If white supremacists can't do it, then neither can antifa or Hamas sympathizers.

Third: no more double standards on speech.

Public universities are constitutionally forbidden from imposing content-based restrictions on free speech. And yet, that's precisely what they've been doing.

Ask any conservative—and I now know a few—who's tried to speak at a public university and had a "security fee" imposed on them or had their speeches quietly moved off campus and into

59. Dion J. Pierre, *'We've Never Seen Anything Like This': Orthodox Jews Disproportionate Victims of New York Hate Crimes, According to Report*, ALGEMEINER (Jan. 3, 2023, 5:20 PM), <https://www.algemeiner.com/2023/01/03/weve-never-seen-anything-like-this-orthodox-jews-disproportionate-victims-in-new-york-hate-crime-according-to-report/> [https://perma.cc/3KH6-DAQF].

60. Robert A. Khan, *Anti-Mask Laws*, FREE SPEECH CENTER (Sep. 19, 2023), <https://firstamendment.mtsu.edu/article/anti-mask-laws/> [https://perma.cc/F6U2-7XYN].

61. VA. CODE ANN. § 18.2-422 (2010).

62. David Bernstein, *Anti-Masking Laws and Selective Law Enforcement at George Mason University*, REASON: VOLOKH CONSPIRACY (Oct. 19, 2023, 10:23 PM), <https://reason.com/volokh/2023/10/19/anti-masking-laws-and-selective-law-enforcement-at-george-mason-university/> [https://perma.cc/8KW4-RXV8].

small, restrictive venues where there aren't brazen content-based restrictions on their speech imposed by public universities.⁶³

Private universities can legally restrict speech. But their restrictions may not be enforced discriminatorily. And yet, they are.

Take Yale Law School. In 2021, law student Trent Colbert invited classmates to his "trap house," in his announcement of a "constitution day bash" hosted by FedSoc and the Native American Law Students Association.⁶⁴ It took 12 hours for administrators to process discrimination complaints, haul Colbert in for a meeting, and suggest his career was on the line if he didn't sign an apology they penned on his behalf.⁶⁵ The law school's dean also authorized a message condemning Colbert's language.⁶⁶ Why? Because *trap house* was a term some claimed had racist associations with crack houses.⁶⁷

But when Jewish students wrote to that dean some two weeks after the Hamas attacks, detailing the antisemitic vitriol they have received, they got a formulaic reply from her deputy, directing them to student support services.⁶⁸

For certain students, kid gloves. For others, the maw of whatever hate their classmates and professors can think of. The universities play favorites based on the speech they prefer, and the racial group

63. Melanie Wilcox, *University Creates Administrative Nightmare with Exorbitant Security Fees for Riley Gaines Event, Students Claim*, CAMPUS REFORM (Oct. 5, 2023, 11:33 AM), <https://www.campusreform.org/article/university-creates-administrative-nightmare-with-exorbitant-security-fees-for-riley-gaines-event-students-claim/24076> [https://perma.cc/5ZYX-HYP8].

64. Aaron Sibarium, *A Yale Law Student Sent a Lighthearted Email Inviting Classmates to His 'Trap House.' The School Is Now Calling Him to Account.*, WASH. FREE BEACON (Oct. 13, 2021), <https://freebeacon.com/campus/a-yale-law-student-sent-a-lighthearted-email-inviting-classmates-to-his-trap-house-the-school-is-now-calling-him-to-account/> [https://perma.cc/6FYM-9UKN].

65. *Id.*

66. *Id.*

67. *Id.*

68. Aaron Sibarium, *Yale Law Students for Hamas*, WASH. FREE BEACON (Nov. 10, 2023), <https://freebeacon.com/campus/law-students-for-hamas/> [https://perma.cc/EKJ8-CGV4].

hierarchies they've established. It's a nasty game and they need to be called to account for it.

Fourth, accept that you are the last line of defense and fight, fight, fight.

If you study history and if you look at where Jews stand, for better and usually for worse, you will understand where a culture, where a country, where a civilization stands. Whether it's on the way up or whether it's on the way down. Whether it's expanding its freedoms. Or whether it's contracting them.

Where liberty thrives, Jews thrive. Where difference is celebrated, Jews are celebrated. Where freedom of thought and faith and speech are protected, Jews tend to be, too. And when such virtues are regarded as threats, Jews will be regarded as the same.

As goes Ohio, so goes the nation. The Jews—please don't quote me on this—are Ohio.

But nothing is guaranteed. The right ideas don't win on their own. They need a voice. They need prosecutors.

Time to defend our values—the values that have made this country the freest, most tolerant society in the history of the world—without hesitation or apology.

The leftist intellectual Sidney Hook, who broke with the Communists, and called his memoir *Out of Step*, used to implore those around him to “always answer an accusation or a charge”—to not let falsehood stand unchallenged.⁶⁹

We have let far too much go unchallenged. Too many lies have spread in the face of inaction as a result of fear or politesse.

No more.

Do not bite your tongue. Do not tremble. Do not go along with little lies. Speak up. Break the wall of lies. Let nothing go unchallenged.

Our enemies' failure is not assured and there is no cavalry coming. We are the cavalry. We are the last line of defense. Our civilization depends on us.

69. See generally SIDNEY HOOK, *OUT OF STEP: AN UNQUIET LIFE IN THE 20TH CENTURY* (1987).

* * *

It is a very rare thing for me not to be sitting at a Shabbat dinner table on a Friday night as the sun sets. So I hope you'll allow me to close with a little bit of Torah.

Tomorrow in synagogue we will read the portion of the Torah where Abraham's wife, Sarah, dies, at the ripe old age of 127.⁷⁰ We read in the Bible that she died in Kiryat-arba—now Hebron—in the land of Canaan.⁷¹ We read that when she passes, "Abraham proceeded to mourn for Sarah and to bewail her."⁷²

And the very next verse goes like this: "Then Abraham rose from beside his dead, and spoke to the Hittites, saying, 'I am a resident alien among you; sell me a burial site among you, that I may remove my dead for burial.'"⁷³

So that's the first thing Abraham does: he buys a plot of land to bury Sarah. The second thing: he finds Isaac a wife.

The late great Rabbi Jonathan Sacks, who I was blessed to know, tells us this about the sequence of events: "Abraham heard the future calling to him. Sarah had died. Isaac was unmarried. Abraham had neither land nor grandchildren. He did not cry out, in anger or anguish, to God. Instead, he heard the still, small voice saying: *The next step depends on you.* You must create a future that I will fill with My spirit. That is how Abraham survived the shock and grief."⁷⁴

This is how generations of Jews have survived. This is how all of us survive.

I am so honored to be here speaking in this place, in honor of someone who stood up courageously for the things that mattered most, and who was murdered by enemies of all that we are fighting for.

70. *Genesis* 23:1.

71. *Genesis* 23:2.

72. *Id.*

73. *Genesis* 23:3–4.

74. Jonathan Sacks, *A Call From The Future*, RABBI SACKS LEGACY TRUST, <https://www.rabbisacks.org/covenant-conversation/chayei-sarah/a-call-from-the-future/> [<https://perma.cc/8DXV-E7JV>].

May her memory be for a blessing. It is for me.

There is another phrase traditional Jews invoke when speaking of someone who has been murdered: *Hashem Yikom Dama*.⁷⁵ May God avenge her death.

We leave vengeance to God. But fighting is for all of us. Especially when there is something so precious worth fighting for.

Ted once said of Barbara that “Barbara was Barbara because America, unlike any place in the world, gave her the space, freedom, oxygen, encouragement, and inspiration to be whatever she wanted to be.”⁷⁶

There is no place like this country. And there is no second America to run to if this one fails.

So let’s get up. Get up and fight for our future. This is the fight of—and for—our lives.

75. Tzvi Freeman, *What Does HYD Stand For?*, CHABAD-LUBAVITCH MEDIA CENTER (Nov. 29, 2023), https://www.chabad.org/library/article_cdo/aid/6194737/jewish/What-Does-HYD-Stand-For.htm [<https://perma.cc/5R9G-TY8D>].

76. Olson, *supra* note 2, at 35.