

The Closed Loop of State-Enforced Orthodoxy: DEI and Compelled Speech in Legal Education

The Task Force on Defending Constitutional Rights and Exposing Institutional Abuses

The Committee on Oversight and Government Reform

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My name is David Blackman II. I am a former member of the Texas State Guard, a former 911 call operator, and a former student at Penn State Dickinson Law. The views I express in this testimony are my own and represent my personal experiences and should not be construed as representing any official organization.

Chairman Gill, Ranking Member Simon, and Members of the Committee:

Thank you for the opportunity to testify regarding the persistence of Diversity, Equity, and Inclusion (DEI) mandates and their coercive implementation within American legal education. The issue before this Committee is not limited to isolated programming in schools. DEI now functions as a broad institutional framework that shapes how education defines fairness, evaluates outcomes, and interprets inequality. What was once presented as a set of training programs has evolved into a governing ideology embedded across multiple sectors of American life.

I come before you today as a citizen who witnessed firsthand the systemic dismantling of constitutional norms within a state-funded institution of higher learning. In August 2025, I enrolled at Penn State Dickinson Law with a 50% merit scholarship, expecting a rigorous, traditional legal education grounded in objective analysis and the United States Constitution. Instead, I found an institution operating as a closed ideological loop; one that mandates conformity to Critical Race Theory (CRT), coerces student speech, and actively censors dissenting viewpoints.

The American Bar Association: Weaponizing Accreditation

To understand how higher education reached this point, we must look at the bodies that grant these institutions their legitimacy and federal funding access. The ideological coercion at Dickinson Law is not an isolated incident; it is part of a systemic, nationwide framework enforced by the American Bar Association (ABA).

In February 2022, the ABA adopted Standard 303(c), a rule requiring all accredited law schools to provide education on "bias, cross-cultural competency, and racism." The standard explicitly mandates that this education takes place at least twice during a

student's legal education: once at the start of the program, and at least once again before graduation.

By tying accreditation to ideological instruction, the ABA gave university administrators the ultimate enforcement mechanism. Standard 303(c) operates as a federal lever, pushing law schools to incorporate "cultural competency" and "anti-racism" frameworks into their required coursework, effectively stripping institutions of academic neutrality. Universities like Penn State Dickinson Law utilize this exact accreditation standard to mandate their ideological programming, tying a student's graduation, and their future ability to practice law, directly to their submission to this framework.

The Mandate of Orthodoxy

The cornerstone of this effort at Dickinson Law is a mandatory, first-year course titled *Race and the Equal Protection of the Laws* (REPL).

The history of this course is vital to understanding its function. REPL was not designed as an objective exploration of constitutional jurisprudence. It was created in the summer of 2020, shortly after the death of George Floyd, when the Penn State Dickinson Law faculty unanimously passed resolutions adopting an explicitly "antiracist" approach to legal education. Under the leadership of Dean Danielle M. Conway, the law school launched the Antiracist Development Institute (ADI) and instituted REPL as a graduation requirement for all first-year students.

Dean Conway and the administration have publicly admitted that the course invokes "critical theory and critical pedagogy." They state that its purpose is to teach the structure of the nation's constitutional democracy through the "lens of enslavement and racism." This aligns perfectly with the intellectual foundations of modern DEI frameworks, which draw from critical theory to emphasize structural explanations of inequality and the role of institutions in reproducing social disparities.

These teachings act as "consciousness raising" sessions, attempting to dissuade students from viewing the American system of individual rights and colorblindness as legitimate. Instead, they promote the idea that racism in American society is so pervasive that it is "structural" or "systemic," requiring system-wide transformation.

On my very first day of class, faculty members, including Professor Emily Spottswood, Associate Dean Jeffrey Dodge, and Associate Dean Shaakirrah Sanders (Associate Dean for Antiracism and Critical Pedagogy), abandoned any pretense of academic neutrality. As corroborated by audio recordings shared with the *Washington Free Beacon*, they framed the course's intent as dismantling "systems of oppression," a mandate they described as being "baked into" the law school's DNA. The curriculum heavily prioritized critical race theorists like Paul Butler, presenting radical critiques of law enforcement and the American justice system as unassailable facts.

The Weaponization of Guest Experts

Paul Butler, a former prosecutor, is the author of *Chokehold: Policing Black Men*. Drawing on his own background as an African American male prosecutor who was prosecuted himself, Butler argues that the American criminal justice system is not broken, but rather functioning exactly as intended to target and regulate black men. In his book, he asserts that this systemic "Chokehold" makes black lives matter less, concluding that the entire system must be actively dismantled. While these arguments offer a provocative perspective on criminal justice reform, their introduction into a mandatory law school curriculum reveals the coercive nature of institutional DEI mandates.

Butler brought these radical, systemic critiques directly to the mandatory "Race and Equal Protection of the Law" (REPL) course. Rather than presenting his concepts as academic theories open to legal scrutiny and debate, Butler's lecture functioned as an exercise in ideological instruction. He explicitly instructed first-year law students that the fundamental problem with the American legal system is "white supremacy" and "patriarchy," framing the justice system purely as an instrument of "racial subordination". Fully embracing the ideology of the "Movement for Black Lives," Butler told the students that the criminal legal system does not exist to keep families or communities safe; but rather exists for the purpose of "keeping black people in their place".

The broader, structural issue with DEI and CRT mandates is how university administrations weaponize these viewpoints to compel student conformity and enforce orthodoxy. During this mandatory lecture, Butler utilized explicit racial stereotyping, sarcastically suggesting that white people commit crimes but are entirely absent from criminal courts due to their race. Crucially, the Penn State Dickinson Law administration did not present Butler merely as a guest speaker with a controversial viewpoint; Dean Sanders explicitly endorsed him as an authoritative "expert," validating his theories for the class. Butler himself reinforced this closed ideological loop, telling the students that accepting his specific racial framework was a prerequisite for being a "better lawyer". This perfectly illustrates the danger of mandatory DEI courses: they do not foster academic debate, but rather mandate submission to an anti-systemic, racially hostile orthodoxy as a strict condition of professional competence.

Compelled Speech and the Suppression of Dissent

DEI frameworks increasingly define fairness in terms of statistical parity among groups, which represents a significant departure from the traditional civil rights framework grounded in the Equal Protection Clause. The traditional American understanding is that the government must treat individuals equally under neutral law, without regard to race or other immutable characteristics.

When structural explanations become the default framework, alternative perspectives are often excluded from institutional consideration. During an assignment requiring us to write an essay on systemic racism, I chose to write about Texas's strict drug laws.

However, it was made abundantly clear through the grading rubric and classroom environment that analyzing the law through a traditional lens of colorblind fairness would be penalized. To succeed, students were pressured into adopting the administration's "racial justice" framing.

The U.S. Supreme Court has long held that compelled speech is a violation of the First Amendment. Yet, this is exactly what REPL requires. It forces students to choose between their conscience and their academic standing.

Institutional Censorship and Viewpoint Discrimination

To fully grasp the environment of ideological coercion at Penn State Dickinson Law, the Committee must examine how the administration treats speech that challenges its established orthodoxy. The mandate to conform in the classroom is ruthlessly enforced by a parallel regime of censorship outside of it. This was most explicitly demonstrated in January 2026, when the institution engaged in blatant viewpoint discrimination to suppress my defense of federal law enforcement.

On January 26, 2026, Dean Danielle Conway utilized Penn State's official group communications infrastructure to send an intensely partisan email to every Dickinson Law and School of International Affairs distribution list; reaching all students, staff, faculty, and affiliates. Sent from her official Penn State address and signed with her full institutional title, the Dean's email explicitly named specific federal ICE agents, described current political events as a "conflagration enveloping the rule of law," and personally invited all recipients to "join her in this daily endeavor". Despite Penn State Policy AD56, which restricts group emails to business-related purposes and prohibits personal use, the Dean's overtly ideological message was delivered to every list without any moderation.

Recognizing the chilling effect this messaging has on students who support border security and law enforcement, I exercised my right to free speech the following morning. At 8:28 AM on January 27, I sent a reply-all to the same distribution lists using the same institutional infrastructure. My email was thoroughly professional; it opened by stating I held Dean Conway "in the highest regard and respect". I simply raised the concern that her framing presented "a one-sided view of deeply contested events, which risks deepening polarization and eroding trust in Dickinson Law's commitment to viewpoint diversity". I also specifically connected this concern to the environment fostered by the mandatory REPL course. My message was so measured and appropriate that two distinguished Penn State faculty members, Professor Marie T. Reilly and Professor Emeritus John E. Lopatka, independently contacted me to endorse my email as "dignified," "thoughtful, temperate, and insightful". Professor Lopatka specifically noted that any school-wide event where certain views are unwelcome is "inappropriate".

However, the administration did not view my plea for viewpoint diversity as appropriate. At 8:56 AM, exactly 28 minutes after I submitted my response, Kalene Faircloth, the Senior Associate Director of Academic and Student Services, manually rejected my

email for the student distribution list. This was not an automated content filter; it was a deliberate, manual moderation decision designed to silence a dissenting student. Tellingly, the moderator comments field on the rejection notice was left completely blank. No university policy was cited, and no reason was stated for the censorship, because no valid policy existed to justify it.

The Seven-Exhibit Petition and Exhaustion of Remedies

Refusing to be silenced, I exhausted every administrative remedy available to me. I filed a formal, seven-exhibit petition with the provost's office demanding a university-level audit of both the REPL course and the administration's suppression of student speech.

In my complaint, I outlined what I identified as the school's systemic violation of student rights, summarizing it as a "Closed Loop of state-enforced orthodoxy." As stated in my petition:

- **Exhibit D:** The Dean broadcasts the ideology.
- **Exhibit C:** The Curriculum compels students to advocate for it.
- **Exhibit F:** Administrators censor legal dissent.

Despite providing undeniable evidence of compelled speech and censorship, the institution refused to alter its course. Most shockingly, the Office of the General Counsel at Penn State University, which received my complaint, punted it back to Dean Conway to handle, instead of taking responsibility for a duly prepared petition grounded in potential constitutional violations. A committee convened by Dean Conway denied my request for an exemption from the REPL course within 24 hours after speaking with me. Professor Jud Mathews explicitly stated that completing this ideological training was a non-negotiable requirement for graduation.

Faced with the choice of completing my degree in a system that demanded my intellectual submission, or walking away to maintain my integrity, I chose the latter. I withdrew from Penn State Dickinson Law after one semester, forfeited my scholarship, and returned to Texas to pursue my master's degree.

ABA's Recent Course Correction

The American Bar Association (ABA) has recently begun a massive, albeit forced, course correction regarding its Diversity, Equity, and Inclusion (DEI) mandates. In response to mounting legal pressure—including the Supreme Court's ruling against race-conscious admissions and explicit warnings from the Department of Education that applying racial diversity standards violates federal law—the ABA Council of the Section of Legal Education and Admissions to the Bar voted on May 15, 2026, to fully repeal Standard 206. This rule had previously forced law schools to demonstrate "concrete action" toward diversity and inclusion in admissions and hiring, functioning as a quota-driven mechanism that state supreme courts and lawmakers fiercely opposed.

Following this retreat on Standard 206, the ABA has now also targeted the very mandate that weaponized the curriculum at Penn State Dickinson Law: Standard 303(c). After a formal comment period that just concluded on July 6, 2026, the Council is advancing a proposal to repeal the highly controversial rule that forced law schools to mandate "bias, cross-cultural competency, and racism" training twice during a student's legal education. The ABA's proposal aims to remove 303(c) as a freestanding ideological mandate, opting instead to fold a more viewpoint-neutral requirement such as "communicating effectively across differences" into general learning outcomes under Standard 302. While this rollback represents a critical victory for academic freedom, it highlights precisely why sustained congressional oversight is required: without legislative safeguards, accreditors will always look for ways to repackage ideological coercion under new terminology.

Penn State's Exportation of CRT

However, this Committee must understand that relying on accrediting bodies to police themselves will not dismantle the ideological infrastructure that has already been entrenched within our universities. The recent repeal of ABA Standards 206 and 303(c), while a necessary course correction, does not automatically neutralize the threat of compelled speech. Penn State Dickinson Law provides the perfect case study of an institution entirely unfazed by the ABA's forced retreat. Despite the ABA's explicit move to scrap Standard 303(c)'s ideological mandates, Dickinson Law has shown no intention of dialing back its coercive curriculum. The "Race and the Equal Protection of the Laws" (REPL) course remains a mandatory, non-negotiable graduation requirement for all incoming first-year law students this upcoming fall semester. They are not retreating; they are doubling down.

Furthermore, the administration at Dickinson Law is no longer waiting for accreditors to mandate this ideology; they are actively packaging and exporting their framework to circumvent future oversight. Through the law school's Antiracist Development Institute (ADI), Dean Danielle Conway and her faculty have partnered with the University of California Press to publish a sprawling, 10-volume book series titled Building an Antiracist Law School, Legal Academy, and Legal Profession. With specific volumes dedicated to Antiracist Curriculum Development and Antiracist Teaching and Learning, this series is not merely an academic exercise. It serves as a tactical, step-by-step blueprint designed to teach administrators and faculty at other institutions exactly how to navigate university bureaucracy, replicate the REPL course, and embed critical pedagogy nationwide.

They are providing a comprehensive manual for institutional capture, ensuring that even without the ABA's formal mandate, the exact type of ideological coercion I experienced can be seamlessly integrated into law schools across the country. This brazen expansion proves that the problem of state-enforced orthodoxy cannot be solved by accreditor rollbacks alone. If state-funded institutions are permitted to institutionalize critical race theory as an operational mandate, they will continue to game the system, rebranding and spreading their compelled speech frameworks under the guise of

academic instruction. Therefore, robust and sustained legislative intervention from this body remains the only viable mechanism to protect the constitutional rights of American students and preserve the integrity of the legal profession.

Conclusion

I share my story with this Task Force because what happened to me is not an isolated incident. Executive action alone is not sufficient to fully reverse the depth of institutional change that has occurred. These DEI-related practices remain deeply embedded within educational systems and regulatory frameworks influenced by accreditors like the ABA.

The students sitting in these classrooms today are the prosecutors, defense attorneys, and judges of tomorrow. If they are taught that the law is merely a tool for racial retribution, that the First Amendment is conditional, and that due process is an obstacle to "equity," the American justice system as we know it will not survive.

Preserving the American constitutional tradition of individual equality before the law will require sustained congressional oversight, continued administrative implementation of nondiscrimination principles, and ongoing efforts to ensure that federal institutions remain neutral and accountable. Congress must hold accrediting bodies like the ABA accountable for mandating ideological conformity and continue to defend the constitutional rights of students who dare to dissent.

Thank you for the opportunity to testify. I look forward to your questions.