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Opinion: The Giuliani Ruling is Not a First Amendment issue

Richard Sherwin

Letters to the Editor

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Regarding the June 29 Tuesday Opinion column by Bruce A. Green and Rebecca Roiphe, “[You can suspend Giuliani’s law license, but not his First Amendment rights](#)”:

Courts have long noted that though attorneys do not surrender their free speech rights upon becoming licensed to practice law, they do have a special obligation to refrain from knowingly or recklessly making false statements. Indeed, the Code of Professional Responsibility specifically provides that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

The Giuliani decision is not an attack upon political opinions with which we may disagree. It targets demonstrably false assertions of fact. A duty to vigorously defend unpopular views and causes is not at odds with a duty to uphold professional standards of honesty. When our capacity to distinguish what’s true from what’s false is being threatened by all manner of new challenges — from machine learning-based optimization of messaging and microtargeting to the widespread dissemination online of unchecked disinformation — is it too much to set a professional and cultural standard that affirms the virtue of truth telling? If the legal profession cannot be held up in the public square as champions of this bedrock cultural value, who will be?

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