Anti-LGBTQ+ Speakers on University and Law School Campuses: A Statement from the National LGBT Bar

The National LGBT Bar is frequently consulted by law students, distressed by learning that other student groups have invited anti-LGBTQ+ speakers to speak on their campus, and seeking advice as to how best to address the situation. We know that these events are almost inevitably deeply painful and harmful for LGBTQ+ students, staff, and faculty, who face discrimination both inside and outside of academic spaces. We are mindful that LGBTQ+ students may hold intersectional and additional marginalized identities which both enhance the discrimination they face on a regular basis and which may also be subject to attack by the speaker at the event in question. We also understand that university administrators may deem it necessary, under the First Amendment and/or other principles of academic freedom, to allow such speakers a platform to express their anti-LGBTQ+ views.

It is our position that, when a university or law school hosts an event that perpetrates anti-LGBTQ+ messages, it becomes that university's responsibility to take ameliorative measures to reduce the harm caused to LGBTQ+ students. Among other things, the school should provide administrative support for an alternative, LGBTQ-affirming event if the students want to hold such an event, so that LGBTQ+ students who are targeted by the speaker's views have the option to gather in a supportive community space and/or put on an educational event that promotes greater understanding of LGBTQ+ people's needs and the discrimination they face, in the legal and other systems. The school should ensure that these harm-mitigating events are accessible for disabled students as well as safe and welcoming for students of color. Additionally, we believe that the school should release a written statement reiterating its unequivocal support for its LGBTQ+ students and other community members, and acknowledging the harm that the anti-LGBTQ+ speaker may cause (or may already have caused). University administrators should offer to meet with LGBTQ+ students and student groups to address their concerns, and keep open lines of communication leading up to and

following the anti-LGBTQ+ event. The school should also ensure that LGBTQ+ and ally students have forms of protest available to them at the time when the speaker presents, and that they do not suffer negative consequences at the school for exercising that right to protest.

Oftentimes, LGBTQ+ or LGBTQ-allied faculty members are asked to present an "alternative viewpoint" to the anti-LGBTQ+ speaker's position. The LGBT Bar urges faculty members to decline these requests. It is our position that, while academic freedom or the First Amendment may require us to let other people express their repugnant views, it never requires us to give them our time or attention. Academic freedom does not obligate us to engage in debate as to whether or not LGBTQ+ people deserve rights, and we know that our community members suffer when such debates are given oxygen. We know that vulnerable minorities do not enter these debates on a level playing field. While we understand that LGBTQ-supportive faculty members might feel obligated – and understandably so – to show up with well-crafted, passionate legal arguments and "win" the debate, it is our position that engaging with these anti-LGBTQ+ speakers often has the counterproductive effect of generating even more publicity and creating a veneer of legitimacy to these events. Accordingly, we strongly encourage faculty members to find other ways to support LGBTQ+ students and colleagues, including signing onto and widely sharing statements of LGBTQ+ support put out by the school and reiterating that support in the classroom.