



October 20, 2023

Dr. Larry Robinson  
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University President  
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**Re:   Denial of University Funding for Stonewall LGBTQ+ Law  
      Student Association**

Dear President Robinson,

We write to you out of concern that Florida Agricultural and Mechanical University (“Florida A&M”) is not safeguarding its students’ free speech rights. On September 12, 2023, the university denied funding for the College of Law’s Stonewall LGBTQ+ Law Student Association’s (“Stonewall”) participation in the upcoming Come Out with Pride Orlando’s Pride Parade (“Pride Parade”) to be held on October 21, 2023.

Given Florida A&M’s approval of funding in past years, Stonewall neither expected nor was prepared for this lack of financial support. With no alternative resources offered by the university, Stonewall was left to solicit donations independently. Because of the assistance of generous donors, it was able to collect enough funds to participate in the parade. Yet, without university funding, it is unable to afford to participate in the festivities in the same manner it has in the past. Curiously, Florida A&M’s abrupt about-face on funding occurred in the wake of the passage of Florida Senate Bill 266 (2023) and its provision banning the funding of diversity, equity, and inclusion initiatives.

Pride celebrations are essential to the LGBTQ+ community: creating space for support, honoring the LGBTQ+ rights movement, and increasing awareness of LGBTQ+ individuals and their experiences. Due to Florida A&M’s actions, members of the organization feel unsupported by the university. Moreover, both Stonewall and the ACLU of Florida are troubled by the

implication that the organization may have been denied funding because of its viewpoints on LGBTQ+ issues.

Public colleges and universities are “not enclaves immune from the sweep of the First Amendment.” *Healy v. James*, 408 U.S. 169, 180 (1972). University funds made available to encourage student expression receive First Amendment protection. *See Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (holding that a university violated the First Amendment when it denied funding to a student organization based on the viewpoints that organization espoused). If a university were to deny funding to a student organization due to that group’s positions on matters of public concern, like supporting LGBTQ+ rights, such an action would constitute viewpoint discrimination. *See, e.g., id.* at 830 (“[I]deologically driven attempts to suppress a particular point of view are presumptively unconstitutional in funding, as in other contexts”); *Gay Lesbian Bisexual All. v. Pryor*, 110 F.3d 1543, 1549 (11th Cir. 1997) (holding that the state violated the First Amendment rights of members of the University of South Alabama’s Gay Lesbian Bisexual Alliance when it denied the organization public funds because of its stance on LGBTQ+ rights). And, as the Eleventh Circuit has held, viewpoint discrimination is “anathematic to the First Amendment.” *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1126 (11th Cir. 2022).

On a broader level, punishing student organizations for taking stances on matters of public concern would undermine some of the core reasons why “universities occupy a special niche in our constitutional tradition.” *Grutter v. Bollinger*, 539 U.S. 306, 329 (2003). Those reasons include “serv[ing] as the founts of—and the testing grounds for—new ideas,” and “prepar[ing] young citizens to participate in the civic and political life of our democratic republic.” *Speech First*, 32 F.4th at 1128. The First Amendment’s guarantee of free expression is “the guardian of our democracy.” *Brown v. Hartlage*, 456 U.S. 45, 60 (1982). And “[n]owhere is free speech more important than in our leading institutions of higher learning.” *Speech First*, 32 F.4th at 1128. “Accordingly, it is imperative that colleges and universities toe the constitutional line when monitoring, supervising, and regulating student expression.” *Id.* at 1129.

Florida A&M has a duty to protect its students’ free speech rights. Denying Stonewall funding to participate in the Pride Parade because of its support for LGBTQ+ rights would breach this duty. We request that you treat all student organizations with equal respect and dignity, regardless of viewpoint. Although the damage for this year’s Pride Parade is beyond repair, we hope that Florida A&M will aid Stonewall with its organizational needs in the future. Without adequate support, LGBTQ+ members of Florida A&M could feel isolated and stigmatized, particularly at a time when LGBTQ+ rights are under attack across the state.

Florida A&M has a rich history of civil rights advocacy. We hope that the university will choose to continue to be a beacon of light in the struggle for the rights of historically marginalized communities. This is not a time to capitulate to fear or surrender to calls for censorship. It is imperative that the university zealously safeguard student speech rights.

Sincerely,



A handwritten signature in black ink that reads "Jerry C. Edwards".

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A handwritten signature in black ink that reads "Megan Collins".



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A handwritten signature in black ink that reads "Jonathan W. Gallon".

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