

Yale Law School Limits Access to Free Speech Panel Amid Controversy

In March 2022, a panel at Yale Law School featuring Kristen Waggoner, a conservative lawyer who has argued religious liberty cases before the Supreme Court, was disrupted by hundreds of students who argued that her presence was a "slap in the face" to "queer students." Despite the protest violating Yale's free speech policies, which do not allow protesters to disrupt speakers, no students were disciplined.

Administrators have taken measures to prevent any further disruptions in preparation for Waggoner's return to Yale Law for another talk. Press and anyone without a Yale Law School ID, including undergraduate students, have been banned from the event, and attempts are also being made to prohibit covert cell phone recordings. The event, scheduled for noon on Tuesday and hosted by the Federalist Society, will also feature Nadine Strossen, the first female president of the American Civil Liberties Union.

Strossen has criticized the school's decision to ban the press as "unjustifiable" and violating freedom of speech principles. She and Waggoner will discuss a pending Supreme Court case about the First Amendment, which Waggoner argued last month. Despite their opposing political views, the two women largely agree on this case. The event comes two months after the law school issued a statement reaffirming its commitment to free speech and is widely seen as a do-over of Waggoner's previous talk at the school.

Though students will be allowed to record the event, they will be prohibited from doing so secretly, a rule the law school introduced after a second-year law student, Trent Colbert, recorded administrators pressuring him to apologize for using the term "trap house" in an email. The law school has stated that this policy will "encourage the free expression of ideas," however, critics have argued that it is a thinly veiled ploy to avoid future scandals.

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Waggoner is the president of the Alliance Defending Freedom, a conservative legal nonprofit that defends religious liberty. Yale's chapter of the Federalist Society has invited her and Strossen to discuss 303 Creative LLC v. Elenis, a case about a Colorado web designer who refused to make sites promoting same-sex marriage. The case is similar to Masterpiece Cakeshop v. Colorado Civil Rights Commission, which Waggoner argued and won in 2018.

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Strossen supports same-sex marriage and has stated that she agrees with Waggoner's position in 303 Creative LLC. She agreed to participate in the event to illustrate that liberals and conservatives can find common ground on free speech issues. This was also the premise of the March 2022 event, which featured Waggoner and Monica Miller, an attorney with the American Humanist Association.

The issues surrounding the event and the measures the Yale Law School administrators put in place are complex and controversial. On the one hand, the school is responsible for ensuring the safety and security of all attendees and preventing disruptions that violate its free speech policies. On the other hand, the school is also responsible for upholding the principles of freedom of speech and allowing for the free exchange of ideas. The decision to ban press and individuals without a Yale Law School ID, as well as attempts to prohibit covert cell phone recordings, has been criticized as unjustifiable and a violation of elementary freedom of speech principles. The event, set to discuss important First Amendment issues, serves as a reminder of the need to maintain a delicate equilibrium between safeguarding freedom of expression and ensuring security and safety.

REFERENCES:

Yale Law School Restricts Access To FedSoc Free Speech Panel Today To Avoid Repeat Of Last Year's Controversy

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