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Statement Condemning Anti-LGBTQ Protests

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The LubbockPRIDE organization would like to publicly condemn the anti-LGBTQ protests that several groups have participated in at local high schools. The anti-LGBTQ protests at Frenship High have already made headlines, and then it came to our attention that on Monday, January 23rd, what appears to be a different group of protesters, were at both Lubbock High School and Monterey High School. While we understand an individual's right to free speech, we cannot stand by and ignore these attacks on our youth in Lubbock, especially those that are part of the LGBTQ community. The blatant targeting of youth in an environment where they should feel safe and unjudged, is both unconscionable and unwarranted. Both protest groups are using religion to profess hate speech, which seems counter to the principles of the Bible – "Learn to do right; seek justice. Defend the oppressed." – Isaiah 1:17 and "Do nothing out of selfish ambition or vain conceit. Rather, in humility value others above yourselves, not looking to your own interests but each of you to the interests of the others - Philippians 2:3-4." Freedom of religion should not be allowed to eclipse the right to be free from discrimination based on sexual and gender identity, especially when certain narratives and false affirmations are presented as fact.

Beyond religious doctrine, it is basic common decency to allow others to live their lives without bullying, stigma, defamation, or threats of eternal damnation for simply existing. Freedom of speech gives specific rights to individuals that want to express their thoughts, within certain limitations, but it is also important to think about the rights of the audience that is exposed to the speech of others. In these instances of anti-LGBTQ protests at schools, it is purposefully done during the morning drop-off and arrival to school. These protester's actions infringe on the autonomy of their audience because this is at a time that the youth must arrive to attend school. There is no way to ignore the protesters that are spreading hateful propaganda, without skipping school, which is both illegal and a detriment to their education. We also clearly can't expect our youth or their parents to close their eyes while driving or walk into the school building with their eyes and ears closed.

In addition, the influence of this hate speech, especially on minors who are still developing psychologically, may lead to self-harm or harm to or from others. Research shows that LGBTQ youth already have significant concerns about their safety in schools with up to 60 percent reporting they feel unsafe due to their sexual orientation and 45 percent due to their gender expression. Even more noteworthy is that 70 percent of LGBTQ students surveyed stated that they were verbally harassed, with 29 percent stating they were physically harassed in the past year. Having hate speech being exhibited this close to a school can only add tension to an already unsafe environment, which could easily turn to an increase of such harassing and violent behavior. The level of victimization on LGBTQ youth often varies based on their differing identities and even their geographic location. Transgender youth are typically most affected by victimization and some research shows higher victimization in Southern states, which is clearly an added factor living in Texas.

As for self-harm, suicide rates for all youth aged 15-19 have been on the rise, with suicide being the second highest cause of death amongst 10-24 year olds. The increased risk of self-harm, suicide attempts, and suicide of youth within the LGBTQ community is also well-established in research, showing that suicidal behavior and ideation amongst LGBTQ individuals is anywhere from four to eight times higher than their heterosexual and cisgender peers. Speech that can lead to violence (yes, even self-harm can be constituted as violence), is not protected under the First Amendment right to free speech. It has even been argued that certain hate speech can be regulated due to the nature of the speech causing undue influence on the audience, by perverting their ability to autonomously develop individual beliefs and actions.

The exception to free speech protections originated from the Supreme Court in *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942). This case instituted the doctrine of “fighting words”, which denies free speech protections for “expressions that are “lewd and obscene . . . profane . . . libelous, and . . . insulting. Supreme Court Justice Frank Murphy specifically wrote that any speech that does not “contribute to the expression of ideas [or] possessed any ‘social value’ for the truth,” can be limited by the government when it seeks to promote the “social interest in order and morality.” I do not see how targeting youth in front of institutions of learning promotes any semblance of order or morality within society.

Youth are protected from certain material on television and radio by restrictions on what time certain content can be on the air. In the cyber world, youth are accorded security of the person, which includes physical and psychological integrity, providing the constitutional protection of good health and development and personal autonomy. When online speech is regulated for predatory content, factors such as the age of the speaker, the age of the audience, and whether the speech was intentionally directed to minors is calculated. These



types of protections should also be extended to shield youth from hate speech being intentionally directed towards them in the real world, especially in an environment in which they are required to be present. This issue is not necessarily about curtailing free speech, but protecting the audience being targeted. The Constitution mainly refers to adults, so as a living document, provisions for circumstances related to youth, now that we more recognize and value their individual rights, must be considered. Restricting this type of hate speech targeted towards an adolescent population that is already at serious risk of self-injurious behavior as they develop their own identities seems logical and consistent legally, which has an independent structure for both youth and adults.

We have already seen many politicians and schools in Texas attempting to ban LGBTQ (and other minority) books from libraries as well as restricting teachers from discussing race, gender, and sexuality; all which can have detrimental effects on LGBTQ youth due to a lack of representation from others who have similar identities as them, and the stolen opportunity to explore and discuss who they are as human beings, both of which can negatively impact their mental health. Our youth should not have to have the added external stressors of protesters at their school on top of the discrimination they already often face inside of the schools. It appears that individual rights are being protected for certain people, but not necessarily for others. Restricting free speech often works against the interest of marginalized groups, so the First Amendment helps prevent LGBTQ issues from being squashed, yet at the same time, we need to work hard to ensure that these rights are being applied fairly, equally, and consistently. We ask that the community reach out to our school administrators, our city officials, and even the protesters, to find a solution that more adequately protects our youth from hate speech and allows for their autonomous development without unwanted influence.

Thank you,

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