

The Outlaw Board wrote the following statement in March 2023. Given the barrage of media coverage and threats to members of the Stanford community, we delayed sharing it out of concern for the safety of our peers. We are sending it to the Stanford Law School community today, one month after the protest on March 9th, to give voice to what the event and the weeks since have meant for queer and trans students at this institution. But even more so, we share this letter in the hopes of turning towards the future—of joining with students, faculty, and staff of all identities and backgrounds to build a more loving, equitable, and inclusive community at Stanford going forward.

We, the OutLaw Board, wish to first thank everyone who stood with our queer and trans students on March 9, 2023. On that day, you filled the corridors of Stanford Law School with joy, love, and affirmation for all the beautiful diversity of our community. And though OutLaw did not organize the protest of Judge Duncan, we are grateful to everyone—the hundreds of law students, faculty, alumni, and allies—who unapologetically showed marginalized students that they belong here and that they are loved. We are also grateful to the fifteen affinity groups and student organizations, representing a majority of the student body, who have issued statements of support.¹ We will continue to carry this solidarity with us as we move forward.

Second, we must say aloud what so many have failed to recognize: Our community is still healing from the loss of Dylan Simmons, one of our most beloved and most visible trans members, last year. This grief runs deep. Healing is not linear. And our wounds are opened again and again as our community weathers relentless attacks on our lives, rights, and personhood.

Indeed, trans and queer people are under attack: A record 19 anti-LGBTQ+ bills passed last year, and 24 of the 451 introduced across the U.S. this year have been signed into law. These bills ban life-saving, gender-affirming care, limit our speech, restrict school curricula, and bar trans student participation in school sports.

This hostile legislation accompanies an escalation in physical violence against our community, and the disproportionate carceral burden we have long carried. Anti-LGBTQ+ hate crimes are on the rise, and the last two years have been the deadliest ever for transgender people. Just a few months ago, 5 people were killed and 25 injured in the shooting at Club Q in Colorado Springs. In the past three years, suicidality among LGBTQ+ youth has also increased, particularly among queer youth of color and trans youth. And the American criminal legal system continues to disproportionately target trans and queer people, as it long has, including through HIV criminalization laws. Today, nearly 1

¹The following groups have shared letters supporting last month's protestors affirming queer and trans lives as well as Associate Dean for Diversity, Equity, and Inclusion Tirien Steinbach: Asian and Pacific Islander Law Students Association (APILSA); Black Law Students Association (BLSA), First-Generation and Low-Income Professionals (FLI), Disability and Mental Health Network at Stanford (DAMNS), Jewish Law Students Association (JLSA), Middle Eastern and South Asian Law Students Association (MESALSA), Native American Law Students Association (NALSA), Stanford Latinx Law Students Association (SLLSA), Women of Color Collective (WoCC), Women of Stanford Law (WSL), American Constitution Society (ACS), Law Students for Justice in Palestine (LSJP), National Lawyers Guild (NLG), Stanford Immigration and Human Rights Law Association (SIHRLA), and Stanford Law Students for Climate Action (SLSA).

in 6 trans people and 1 of every 2 Black trans people [have been to prison](#). These numbers are driven by [acts rooted in survival](#), often born of poverty in an unforgiving and intolerant world.

People like Judge Duncan enable and perpetuate this violence through their work.

But we are not defined by the attacks of others. Our community is born from a lineage of resistance, unapologetic joy, and mutual care. Sylvia Rivera and Marsha P. Johnson led us in resistance to police violence after Stonewall. Our ancestors created the ballroom scene, opened gay and lesbian bars, and put on drag shows so we could build community with each other when it seemed like the outside world wanted nothing to do with us. Elders like Bayard Rustin led the Civil Rights Movement and championed Black liberation. ACT UP used confrontational action to force those who would erase us to contend with our humanity and take steps to end the AIDS crisis. Mutual aid, chosen families, and care circles have kept us alive. Protest—creative, loud, and proud—has pushed progress forward. We honor those who created the conditions for us to live as queer and trans people today. And we strive to continue their work for those who come after us.

In consequence, reducing the events of the last month to a debate over “free speech” is both insulting and ignorant of context. It is an insult to the lengths our community has gone—and must still go—just to survive. It ignores that we were called to action because we wanted to remember and honor those we’ve lost, and rebuke the violent systems that took them from us. As our voices echoed in the halls of buildings where we are often isolated and alone, we lifted up their memory. In the days before and since, we have woven networks of safety and support with our peers, networks that will keep us safe and alive.

We strive to create a space where trans and queer students can know—can *feel*—that they are loved. Last month our community succeeded in that, and we will not tolerate false equivalencies that minimize the fundamental rights at stake.

Trans and queer people need not silently endure abuse from someone who denies these very things, wielding his power to wreak havoc on our community and disenfranchise others. In fact, fidelity to the lineage of resistance from which we are born compels us to protest such oppression.

Further, a speaker that is unable or unwilling to engage with challenges to their objectionable speech has not been censored. Put simply, Judge Duncan was not “silenced” by a group of law students. Judge Duncan has a lifetime appointment to the federal judiciary, and his decisions affect millions. He had multiple opportunities to deliver his prepared remarks and repeatedly declined to do so. He shut down thoughtful questions and berated students who sought to understand his judicial philosophy. He did not, and perhaps could not, justify his opinions when questioned about them. And it was Judge Duncan, not student protestors, who chose to end the event early.

As James Baldwin said, “[w]e can disagree and still love

each other unless your disagreement is rooted in my oppression and denial of my humanity and right to exist.”

We believe that the administration’s first priority following the event should have been to assert that trans and queer students deserve to exist and **live our lives free of fear**. Instead, it issued an apology to a judge whose work threatens that very premise. It did so without discerning what actually transpired. And our right to live and thrive has become, at best, a footnote.

Our community feels the consequences of this choice. We and our allies have been subjected to online vitriol and physical threats from those who wish to do us harm. **Trucks displaying LED billboards with our faces on them blasted hateful messages while circling our campus**—indeed, even our childhood homes. Vicious messages have filled our inboxes and voicemails. Some who did not attend the protest at all have been targeted and harassed. And just this morning, fringe media roamed the law school grounds.

The administration’s immediate capitulation invited such behavior. Weeks of inaction in the face of egregious harassment undermines the hard work done to create a culture of belonging for queer students, trans students, and students of color at this institution. It undermines trust in institutional leadership. And it undermines the speech values the school purports to defend, and that so many have invoked in recent weeks.

Indeed, faced with this grim reality, we turned inward, choosing to prioritize the safety of our loved ones over “setting the record straight” in an institutional and media environment where the truth didn’t matter. Sharing the necessary context of that day and our side of the story meant subjecting our community to further threats. We turned down interviews, killed op-eds, and censored our communications in case they were leaked. We focused our efforts on building a broad coalition of student groups across the aisle to de-escalate the national frenzy and shield those around us from harm. This work was and is immensely valuable. But while we did it, grievous falsehoods went viral without challenge.

Judge Duncan and others embarked on a media tour, relaying unsubstantiated and inaccurate accounts of what occurred as well as misrepresenting students’ motivation for protest. As a result, the prevailing narrative of the event, which emphasizes “free speech” alone, obfuscates the power dynamics at play. Student speech, particularly that of the most marginalized in our community, has been chilled in service of an oversimplified framing that favors institutions and the powerful.

Despite this, the chorus of support from the broader Stanford community has been heartening. That some have used this moment to elevate their personal brand does not change that. The outpouring of solidarity from our peers reminds us that Stanford Law School—and Stanford University—is our home, too.

From today onwards, we look to the future. University campuses have long been cast as centers of ideological conflict about the virtues of free speech. We have learned much from the past month, and we believe we have an opportunity to model what constructive, equitable dialogue that accounts for the power imbalances entrenched in our profession can look like.

Though many may not see it or care to look, new connections are growing across political and ideological divides in the Stanford Law community in the wake of last month's event. We need not respond to division and harassment with fear or retrenchment. We can choose restorative justice, healing, and dialogue rather than top-down solutions or silence. We can choose to celebrate and affirm the beauty of queer and trans existence. We can build a culture of diversity, equity, and inclusion that values true discourse—with all the messiness such discourse entails. And in doing so, we and all of our peers at Stanford Law School will equip ourselves to become effective, compassionate lawyers and advocates.

To close, we join the chorus of voices at Stanford and beyond in expressing our profound gratitude for a community leader who has done more than any other to make this place safe and accepting: Associate Dean Tirien Steinbach. On March 9th, Dean Steinbach maintained her composure, offered grace to everyone in the room, and successfully de-escalated a tense situation. In the weeks since, she has continued the work of inclusion in our community despite hostility, disrespect, and threats to her life and family. The University promises that when invited speakers espouse views at odds with the University's values, its "leadership will not hesitate to speak out against those ideas, even as we allow them to be voiced."² After the response to March 9th, we question the truth of this statement.

We urge the administration to recognize what Dean Steinbach represents to all marginalized students: an invaluable pillar of support and an incredible asset to this community. Dean Steinbach represents the very best of the values that brought us to Stanford Law in the first place. As we move forward with an eye toward building a better Stanford, we need administrators who approach challenging moments with nuance—those who are willing and able to ensure that free speech, robust discourse, and student belonging coexist, rather than being at odds.

We once again share love and gratitude for those who came out in solidarity with your queer students and peers. We are thankful for your continued support. We also urge you to give what you can to mutual aid organizations supporting queer and trans folks who need help right now, such as those listed below. The struggle to create a world that sees, loves, and protects queer and trans people extends far beyond the walls of Stanford Law School.

With hope,
The OutLaw Board

² Marc Tessier-Lavigne & Persis Drell, *Advancing Free Speech and Inclusion*, STAN. U.: NOTES FROM THE QUAD (Nov. 7, 2017), <https://quadblog.stanford.edu/2017/11/07/advancing-free-speech-and-inclusion>.

In the words of Pauli Murray, we "inherit the magnificent tradition of an endless march toward freedom and toward the dignity of all mankind." We look forward to continuing that work at

Stanford.

Please consider signing up for a monthly donation option to one of the following organizations:

Afiya Center: a Black womxn-founded reproductive justice organization in North Texas, Afiya Center's mission is to transform the lives, health, and overall wellbeing of Black womxn and girls.

Black and Pink: an abolitionist organization dedicated to abolishing the criminal punishment system and liberating LGBTQIA2S+ people and people living with HIV/AIDS who are affected by that system through advocacy, support, and organizing.

Black Trans Femmes In The Arts: a community-based arts organization that centers and highlights Black trans femme artists and provides direct support to Black trans artists.

Brave Space Alliance: an organization providing educational and access-based programming, services, and resources for BIPOC trans and gender-nonconforming individuals.

House of GG: Focused in the U.S. South, House of GG creates safe and transformative spaces where trans women of color can heal physically, mentally, emotionally, and spiritually from the trauma arising from generations of transphobia, racism, sexism, poverty, ableism and violence.

Okra Project: a collective that seeks to address the global crisis faced by Black Trans people by bringing home cooked, healthy, and culturally specific meals and resources to Black Trans people.

TGI Justice Project: a group of transgender, gender variant and intersex people, inside and outside of prisons, jails and detention centers—creating a united family in the struggle for survival and freedom. TGI Justice Project empowers members through political education, leadership development, and access to housing and employment resources.