



Dear Members of the Boston College Law School Community,

By now, many of you have become aware of an ad campaign in the state of Maine that features Professor Scott Fitzgibbon, a longstanding and respected professor at Boston College Law School, stating his opposition to gay marriage. As I think any of our faculty might have done, he stated his views without prior notice to or clearance from the Law School.

Please know that I recognize that this is an emotional and sensitive subject for many people. Several of you have contacted my office to express your anger at Scott's actions, and it is hard for me to see any of our students, faculty, or staff offended or hurt by the words of others. We work hard to create a welcoming environment for everyone at Boston College, and we do not discriminate on the basis of sexual orientation.

As dean of the Law School and a lawyer, I also believe that one of the most important aspects of an education at a school like ours is the principle of academic freedom. We must be able to listen to others' viewpoints, whether we agree or find them offensive, and engage in debate around issues as important as this one.

The General Counsel for Boston College recently issued a memorandum outlining what behavior is prohibited when faculty or staff engage in political campaigns:

- Using University stationery to distribute printed materials supporting a candidate
- Providing alumni or other mailing lists to candidates
- Endorsing or allowing another to endorse a candidate at an official University function
- Holding political rallies or candidate fund-raising events in University facilities
- Using University resources and support services in campaign activities.

Professor Fitzgibbon, as a member of our faculty, is free to express his views. His public statements represent his own opinions, as the advertisement makes clear, and do not state any official position of Boston College Law School. We also have faculty members who hold a contrary view, which they too are free to express publicly. Many have done so while referring to themselves as BC Law professors. One of them has publicly led the fight to oppose the Solomon Amendment on the grounds that it is an affront to gay and lesbian students and prospective members of the U.S. military. Others have taken controversial positions on such subjects as abortion, euthanasia, and the treatment of detainees.

I believe that free expression is central to our mission as a law school committed to public discourse and the free exchange of ideas and opinions. We have faculty and students from many different backgrounds, and with many different points of view. It is our expectation that they will continue to engage in public discourse, and argue their positions with passion and civility, with the intellectual freedom that an academic institution affords to us all.

John Garvey
Boston College Law School
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