

## Do I have to use Forced<sup>1</sup> Pronouns?

**Compelled speech mandates the specification and use of particular pronouns for people and this mandate is not enforceable according to the following recent cases:**

*Merriweather v. Hartop*, 992 F.3d 492 (6th Cir. 2021) – *Private cannot compel pronoun use*

Merriweather claimed discrimination against religious beliefs by the college requiring the use of gender dysphoric<sup>1</sup> pronouns. His appeal was upheld given that the college was religiously discriminatory in the specification of the use of pronouns.

Case Finding: <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0071p-06.pdf>

*Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995)

Organizers of a parade do not need to accept the inclusion of a parade participant whose message, in this case gay, lesbian, and non-binary organization, was at odds with the organizers expected message within the parade itself.

Case Finding: <https://supreme.justia.com/cases/federal/us/515/557/>

*US v. Varner*, 948 F.3d 250 (5th Cir. 2020) – *Government cannot compel pronoun use*

There were two parts of this case the Court addressed, with the second pertaining to required pronoun use. The Court found that there was no requirement for court-related personnel, including “anyone else”, to be required to use the gender dysphoric pronouns. The Court touched on Compelled Speech in actual and perceived bias in judicial activities. Harvard Law includes a short description the Free Exercise Clause impact on those who, for personal belief reasons, refuse to use gender dysphoric pronouns.

Case Finding: <https://www.ca5.uscourts.gov/opinions/pub/19/19-40016-CR0.pdf>

Harvard Law Commentary: <https://harvardlawreview.org/print/vol-134/united-states-v-varner>

**Mandatory use of specific pronouns violates an individual’s Constitutional recognized rights of Freedom of Speech and Free Exercise of Religion.**

US First Amendment:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Application Example:

Joe is a Christian man who is opposed to gender dysphoric pronouns as it violates God’s intention with biological gender. He works within a Federal agency. One day he is told he must put his pronouns at the bottom of his email signature and introduce himself with his preferred pronouns. This is in opposition to his religious beliefs and his free speech rights as it compels him to speak in a specific way and against his beliefs that biology determines gender. Joe refuses to do so in line with his beliefs and files an EEO complaint. Later, a team member comes out as transgender and requires pronouns not in line with biological gender. The demand for pronoun use comes with the inherent threat that not doing so is discriminatory and offensive. Joe would have to violate his beliefs if he complied with those pronouns. Joe is within his rights to refuse to use those pronouns in line with his beliefs and rights to freely express himself.

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<sup>1</sup> Forced Pronouns are generally due to Gender Dysphoria, which is people feeling they are of a different gender than their biological gender.