



P.O. BOX 56157  
NEW ORLEANS, LA 70156  
P: (504) 522-0617

MARJORIE R. ESMAN  
EXECUTIVE DIRECTOR

March 22, 2011

## OPEN LETTER REGARDING STUDENTS' FREE SPEECH RIGHTS

by fax (318) 925-4719  
and regular mail  
Mr. Keith Simmons  
Principal  
North DeSoto Middle School  
2573 Highway 171  
Stonewall, Louisiana 71078

Dear Mr. Simmons,

This letter is to inform you that the American Civil Liberties Union of Louisiana has learned that you instructed Dawn Henderson, a former student at North DeSoto Middle School, to remove a t-shirt expressing solidarity with gay youth. We are concerned about the lack of First Amendment protections for this student and any other student who would chose to express political or controversial beliefs. We are deeply troubled by the actions that required the student to censor her speech. All reports regarding Dawn Henderson's t-shirt and her behavior suggest that she was taking part in a silent, unobtrusive expression of her beliefs, that is protected by the U.S. Constitution.

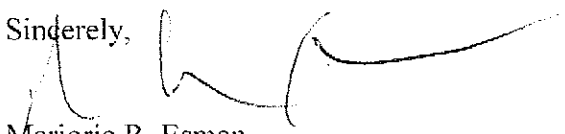
While I understand that this student has not been disciplined for wearing this shirt, even the demand that she remove it or go home constitutes an unconstitutional infringement on her First Amendment rights. Indeed, the U.S. Supreme Court ruled on this issue in 1969. In *Tinker v. Des Moines*, the Supreme Court held that students in public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," and ruled that schools can only censor student speech when the speech itself – and not other people's reaction to it – is disruptive to the educational process. Sending Dawn home for wearing a shirt with the word 'gay' on it not only trampled her right to freedom of expression, but also sent a destructive message to all students that there is something wrong with being gay or even saying the word "gay."

Furthermore, in 2005, the ACLU filed a lawsuit in federal court against a Webb City, Missouri high school that twice punished LaStaysha Myers, a 15-year-old student, for wearing t-shirts expressing her support for gay rights while administrators routinely allowed students to wear shirts expressing other messages, including endorsements of the Bush and Kerry presidential campaigns and opinions on abortion. The lawsuit was settled when the school promised not to censor Myers for wearing t-shirts bearing gay-supportive messages.

(2)

I trust that in the future you will honor the First Amendment rights of all students in your school. Please feel free to contact me if you have any questions about how to best achieve this important goal.

Sincerely,



Marjorie R. Esman  
Executive Director

cc: Walter C. Lee, Superintendent of Schools, DeSoto Parish  
by fax (318) 872-1324 and regular mail