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The Shirts Off Their Backs: Should Pro-Gay Expression Be Permitted in Schools?

Jamie Friye

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The Shirts Off Their Backs: Should Pro-Gay Expression Be Permitted in Schools?

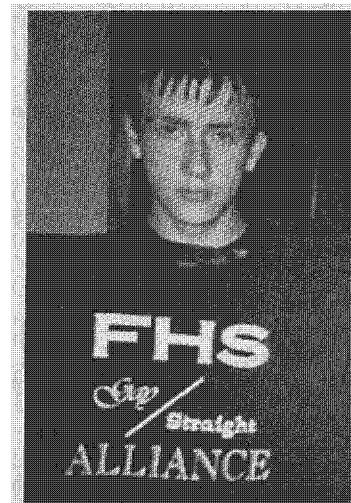
By Jamie Friye

The average classroom in America has at least one student who is lesbian or gay, according to a recent survey taken for Gay, Lesbian and Straight Education Network (GLSEN). The fact that more than 1,700 gay-straight alliances have been formed in high schools across the nation seems to demonstrate growing tolerance. Some school administration officials, however, persist in censoring certain expressions by gay students because of their concern that they are offensive and disrupt the learning environment.

"We know from the data that visibility and personal experience with gay and lesbian people are important first steps in making name-calling, bullying and harassment unacceptable in America's schools," GLSEN Executive Director Kevin Jennings said. "However, what is most important are parents, friends, and school communities taking a stand for respect and acceptance of all people regardless of their sexual orientation or gender identity."

One recent example of such censorship occurred in Webb City, Mo. On October 24, 2004, high school student Brad Mathewson was sent to the principal's office by his homeroom teacher after the teacher spotted his T-shirt, which bore the name of the gay-straight alliance at his former high school, a pink triangle, and the words, "Make a Difference!" When an assistant principal saw it, he told Mathewson to go home and change shirts because someone might be offended by it. A week later, Mathewson was again disciplined when he came to school wearing a T-shirt featuring a rainbow and the phrase, "I'm gay and I'm proud."

Mathewson eventually filed suit against the high school. The ACLU supported Mathewson's suit and reported that seven other



Brad Mathewson

students at the school were sent home after refusing to change out of their homemade T-shirts in support of Mathewson. The shirts bore such messages as, "If this shirt offends you, look the other way" and "We support gay rights."

Mathewson has since dropped out of school because of the number of school days that he missed and to help his mother by working full-time. His mother says that she and her son will remain in Webb City and continue to press the lawsuit against the school district. The school district's attorney says that because Mathewson did not seek damages from the district or lodge the complaint on behalf of anyone else, he may have forfeited legal standing when he ceased to be a student. The ACLU, however, says that Mathewson's exit from school does

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Kevin Jennings,
Gay, Lesbian and Straight Education Network

not necessarily cripple his case.

School administration officials have an interest in maintaining a harmonious learning environment, and some argue that this interest

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outweighs the students' right to expression. When students don T-shirts bearing messages deemed as controversial, it disrupts and offends their peers, they say. In other schools, officials have banned students from wearing T-shirts bearing pro-gay and anti-gay messages and cite this as proof that they are not discriminating against gay students.

Most school districts have policies prohibiting students from wearing T-shirts emblazoned with advertising for alcohol and tobacco.

Gay rights activists agree that T-shirts such as these are disruptive and should not be permitted on school grounds. However, they argue that T-shirts bearing pro-gay messages do not compare, because they can only do good.

"If Webb City High School were enforcing its own policies fairly and equally, we wouldn't have to take this to court at all," said Jolie Justus, one of the attorneys handling Mathewson's case.

Blagojevich Seeks To Restrict Access to Violent Video Games

By Andrew Dougherty

Illinois Governor Rod Blagojevich is taking aim at the manufacturers and retailers of violent and sexually explicit video games through a proposal that would prohibit the sale or rental of these video games to children under the age of 18 without parental consent.

If enacted, the legislation introduced in December 2004 would directly affect some of the most popular games on the market, such as *Grand Theft Auto: San Andreas* and *Halo 2*. The governor's proposal would also require manufacturers and retailers to post warning labels on certain games and in-store signs explaining the rating system of video games. Violators could face fines of up to \$5,000 and up to a year in prison.

Legislation of this kind is not unique. In recent years, St. Louis and Indianapolis, along with the state of Washington, have passed laws similarly designed to restrict access to violent and sexually explicit video games by children. Restrictions on access by children to sexually explicit video

games typically have not been challenged on constitutional grounds due to the Supreme Court's 1968 decision in *Ginsberg v. New York*, 390 U.S. 629, which found that sexually explicit images, although not considered obscene by community standards of adults, were harmful to children and thus upheld a law restricting access by minors to sexually explicit magazines. However, all laws restricting access by children to violent video games have been struck down in the courts as unconstitutional infringements of First Amendment rights.

Although the proposal is still in its nascent stages, it has already drawn the ire of a number of critics. For example, a January 17, 2005, editorial in the *Chicago Tribune* questioned "whether Blagojevich is manufacturing an issue for himself," noting that as a congressman in 1999, Blagojevich voted against legislation that would have prohibited the sale or rental of certain violent and sexually explicit media, including video games, to minors. Blagojevich has defended this vote on the basis that



Screen Shot of Halo 2
courtesy of www.bungie.net

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