

Ga. school settles case over gay-straight alliance Student clubs emerge as new target of anti-gay 'family' groups

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White County High School students fighting to start a gay-straight alliance reached a settlement agreement with White County, Ga., school officials Wednesday, the latest chapter in what has been an ongoing national battle over the legal right for such clubs to exist in public schools.

The American Civil Liberties Union represented the students in a yearlong court battle for the club's right to exist and for the students' right to go to school free of harassment. Terms of the settlement include policies for students in grades nine through 12 that specifically state anti-gay harassment is prohibited on school grounds and annual training sessions for faculty on dealing with and preventing anti-gay harassment.

Student Charlene Hammersen, one of the founders of the school's GSA club, Peers Rising In Diverse Education (PRIDE), said she is just glad it's all over and that her school is doing the right thing.

"It's taken almost two years to get here, but we're as determined as we've always been to promote diversity and fight harassment against gay students at our school," said Hammersen, now a senior. "This is really great for every student who goes to White County High."

The battle over such clubs is nothing new. In 1999 in Orange County, Calif., a school board there voted unanimously to prohibit the formation of a gay-straight alliance at El Modena High School. Students there sued the school board claiming their First Amendment rights had been violated.

Also cited was the 1984 Equal Access Act, which, ironically, was established in part to protect the rights of religious clubs in public schools. The Orange County case reached a settlement that required the board to recognize the GSA, but the battle has continued to play out in other schools since then.

A similar case is playing out now at Okeechobee High School in Okeechobee, Fla., where a gay student there, Yasmin Gonzalez, has been barred from having a GSA at her school and she claims she has been taunted by teachers and fellow students because of the matter. The ACLU is also involved in that case.

Promoting promiscuity?

Some conservatives have argued the clubs promote promiscuity or exist to recruit students into the "gay lifestyle." The Gay-Straight Alliance Network, a youth-led organization that connects school-based GSAs to each other and community resources, denies those claims.

School officials in Okeechobee are using the argument that their district promotes abstinence as a grounds for not allowing the alliance in question there.

In the Georgia case, James Esseks, the ACLU's LGBT Project litigation director, called the settlement a tremendous victory for everyone involved.

"We're pleased that we helped to ensure that all students can participate in extracurricular clubs, including the PRIDE club," he said. "And that the school has agreed to changes that we believe will make its hallways safer for all of its students."

The trouble began two years ago, when then-junior Kerry Pacer asked for permission to start a GSA in January 2005. Three months later, after the ACLU became involved and demanded recognition of the club, PRIDE was able to meet on school grounds during non-class hours. The first meeting was in March 2005 and drew seven people, most of them straight allies. Hammersen, currently the only openly gay member of the group, said she never thought the club would come under so much scrutiny.

"I thought we would get together and do stuff like the FCA [Fellowship of Christian Athletes] or any other club," she said. "Things like meetings and social activities."

Four days after PRIDE was given permission to meet, the school board announced the elimination of all non-curricular student groups at the school beginning in the 2005-06 school year. Some groups including the shooting and Beta clubs, student council, youth advisory council, dance team and Future Family, Careers and Community Leaders of America defied the ruling and continued to meet on school property. Hammersen said PRIDE met at a local church for a year before the school club ban was lifted.

She said she and the other members of the group decided to go to court when they were allegedly harassed and bullied by other students and even some faculty members. An athletic coach monitoring in-school suspension asked Hammersen if she was a lesbian, she said. When she refused to answer, he asked her to out a friend of hers. She said her car's windshield was broken and the tires flattened. Another student had a bottle and a brick thrown at him, she said.

"It made me feel like shit, like I wasn't worth anything because people like that run this world," said Hammersen. "If they didn't accept me, who would?"

Equal Access Act cited

Things worsened when the Kansas-based Westboro Baptist Church, of "God Hates Fags" fame, came to town to protest the GSA. Church members, who have gained notoriety for protesting at the funeral services of soldiers killed in Iraq, set up camp across the street from the school. Hammersen said they were holding signs reading "White County Fags" and "Rainbow Warriors," a supposed slam against the school's warrior mascot, and other signs depicting male stick figures having anal sex.

"I was on my way to the counter-protest with my friends and members of PFLAG," she said. "I had a rainbow flag and a 'Hate is Not a Christian Value' sticker on my car and was told to take them off."

The ACLU filed suit against the school district in February 2006 claiming violation of students' rights under the Equal Access Act. A federal judge issued a permanent injunction against the school in July 2006, requiring it to let PRIDE and other clubs meet. The club was allowed back on campus last September and is still meeting.

Esseks said he is seeing more cases like White County, in which schools refused to allow GSAs and students fight back. This is especially true in rural areas, where gay teens do not have the resources they need and decisions are made at the local school board level. Thanks to the internet, however, they are becoming savvier about where to go to get the necessary forms and letters to educate administrators about the Equal Access Act and how it applies to them.

"White County is an hour and a half from Atlanta," he said. "It's a small town. Fights come up in rural areas where there is the most resistance to being out and where issues like harassment exist."

Multi-state campaign

Kevin Jennings, director of the Gay Lesbian Education Network, helped to start the first GSA in 1988, when he was a history teacher at Concord Academy in Concord, Mass. His co-founder

was a student who was weary of being harassed because she was the daughter of a same-sex couple.

Jennings said he thinks the pressure against GSAs by conservative Christian groups has its roots in the 2004 election, when ultraconservative politicians who were sympathetic to evangelical causes were voted into office. He also said that in 2005 just one state was restricting access to GSAs, yet by 2006, there were six.

One of the groups leading the effort to restrict access to GSAs is the Family Policy Network, based in Washington. According to its web site, the organization is working on a multi-state campaign to require parental permission before students can participate in non-curricular clubs. In an article on the site, Alex Mason, a policy analyst for the network, said the permission slip approach will make it difficult for GSAs to get kids to participate.

“Because not many parents are going to want to allow their children to sit in front of a homosexual activist and learn about deviant lifestyles and how they’re okay,” he wrote.

Joe Glover, director of Family Policy Network, said his group is not just concerned about GSAs but other non-curricular activities as well. He did not name any other student groups, nor were any listed on the site.

“Parents have a right to have a say in any conversational topics involving sexual proclivities,” he said. “The state doesn’t have a say on religion or social issues on par with homosexuality. That would be something the parents should discuss with their kids, not schools.”

Jennings said the similarities between his organization and the network begin and end with an interest in protecting children. After that, he said, the network is more concerned with “demonizing” gay, lesbian, bisexual and transgender individuals for its political and financial existence.

“They are not motivated by what works for kids,” he said. “It’s a political agenda motivated by bigotry.”

Matt Foreman, director of the National Gay & Lesbian Task Force, said that while pressure to limit GSAs could be part of a trend, so is the interest in establishing them. Foreman said the more than 3,000 GSA clubs in existence around the country have changed school climates for the better.

“They demonstrate that in an undeniable way that not only do queer kids exist, they are good people who can get along with straight kids without causing any of the problems our opponents allege,” he said. “They are real-life examples of what our movement has been trying to say for years.”