SPLC@ Southern Poverty law Center

May4, 2012

via electronic mail and facsimile

Jerome King
JROTC

Davidson High School
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Mobile, AL 36609
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Mobile Cmmty Public Schools Board of Education c/o Superintendent Martha Peek
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Dear Mr. King anJ Mrs. Peele

Fighting Hate
Teaching Tolerance
Seeking Justice
Southern Poverty Law Center
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We write on behalf of Kiera Willis, a senior at Davidson High School. She has informed us that Mr. King has forbidden her from attending the school's JROTC military ball with her same-sex date because her date desires to wear a tuxedo instead of a dress. The reason provided for this rule was that the school doesn't want other students and parents to be uncomfortable with the sight of a girl in a tuxedo or the sight of an openly gay couple at the ball. We write to inform you that such a policy is unconstitutional and must be rescinded immediately.

The school's bringto a same-sex date to the senior prom and to wear a tuxedo.

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F.Supp.2d at 701. The school initially informed her that the two girls could not attend prom together as a couple or slow dance together, because it could "push people's buttons." Id. The school also told her that all girls must wear dresses. After she filed a lawsuit, the court held that Constance's effort to "communicate a message by wearing a tuxedo and to express her identity through attending prom with a same-sex date" was "the type of speech that falls squarely within the purview of the First Amendment," id. at 705, and concluded that the district had violated her First Amendment rights under "the clearly established case law." Id. at 704. Ultimately,

because of its tmlawful actions, the school paid Constance $35,000 in damages and another $81,000 to Constance's attorneys.

The decision in Fricke v. Lynch also affirms the First Amendment right of students to openly bring aTj -0e.0142 Tc0.7232 0 Td same-sexs