



## **ACLU Supports Students Right to Wear Anti-gay T-shirt**

By [Kevin Wayne](#)

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Chicago, IL - The American Civil Liberties Union has joined a Naperville high school student in her fight to wear an anti-gay T-shirt that reads "Be Happy, Not Gay."

In a brief filed with the U.S. Court of Appeals for the 7th Circuit the ACLU argues the the school district's policy prohibiting disparaging speech is so broad it infringes on free speech.

Heidi Zamecnik was told by her Naperville school that the t-shirt is discriminatory when she and another student, Alexander Nuxoll, tried to wear the anti-gay t-shirts in 2006.

The t-shirt was designed as a protest to the National "Day of Silence" when students wear T-shirts, buttons and stickers showing support of gay students.

Last year the Alliance Defense Fund, a law firm that represents conservative Christians, sought an injunction barring the Indian Prairie District 204 from taking action against the two students for wearing the t-shirts.

At that time a federal judge ruled that the school had the right to dictate a dress code.

The ADF appealed the ruling to the Court of Appeals.

In its Monday release, the ACLU summarize the conclusion of its brief.

"First, the school's speech policy is unlawful on its face, because it broadly prohibits all speech that disparages protected classes, rather than carefully distinguishing protected speech from unprotected harassment," the release said. "Second, the school last spring should have allowed two students on one day to wear the 'Be happy, not gay' T-shirts."

Zamecnik has since graduated, but the Alliance Defense Fund is continuing its court fight.