

NATIONAL
COALITION
AGAINST
CENSORSHIP

YOUTH
FREE
EXPRESSION

May 5, 2023

Superintendent Carolyn J. Lyons, J.D.
Middleborough Public Schools
30 Forest Street
Middleborough, MA 02346

Dear Superintendent Lyons,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers and staff. We are writing in response to a report that school officials in your district forbid a student to wear a shirt about gender politics because they considered it "unsafe."

According to a news report, a student at John T Nichols, Jr. Middle School was told to remove a T-shirt that said "there are only two genders." The reason given was that the shirt made other students feel unsafe. As you know, the Supreme Court declared in its landmark decision in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), that school officials may not forbid students from expressing political views unless they substantially disrupt school activities. Recently, the Court reaffirmed this principle in *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S. ___, 141 S. Ct. 2038, 2046 (2021).

In addition, *Mahanoy* stated that "the school itself has an interest in protecting a student's unpopular expression," and that "schools have a strong interest in ensuring that future generations understand the workings in practice of the well-known aphorism, 'I disapprove of what you say, but I will defend to the death your right to say it.'" 141 S.Ct. at 2046.

Therefore, because the shirt did not cause *substantial* disruption, censorship of the speech was a violation of the student's free speech rights.

We urge you to clarify to all students and staff that students have the right to engage in unpopular speech both on and off campus.

Thank you for your attention to this important issue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Christine Emeran". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christine Emeran
Youth Free Expression Program Director
National Coalition Against Censorship