

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

LASTAYSHA MYERS,
by and through her legal parent and next friend,
LEDA MYERS,

Plaintiff,

v.

CASE NO. 05-5042

JEFF THORNSBERRY, in his official capacity as
Assistant Principal of Webb City High School;
STEPHEN GOLLHOFER, in his official capacity as
Principal of Webb City High School; and
RONALD LANKFORD, in his official capacity as
Superintendent of Webb City R-VII School District,

Defendants.

DECLARATION OF LASTAYSHA MYERS

I, LaStaysha Myers, under penalty of perjury, hereby declare:

1. I make this declaration of my own personal knowledge; if called as a witness, I would testify to the contents hereof.
2. I make this declaration in support of Plaintiff's Motion for Preliminary Injunction in this action.
3. I am a fifteen-year-old student enrolled at Webb City High School in Webb City, Missouri, and a resident of the State of Missouri.
4. In part because I have gay relatives and friends, I hold the political belief that that gay people and their supporters should be treated with fairness and dignity. I also hold the political belief that gay people and their supporters should be able to express their pro-gay political beliefs.

5. In the fall of 2004, I learned that Defendants had engaged in a pattern of censorship of pro-gay student expression, and that the actions taken by Defendants had become a subject of civic discourse. As a result, I was moved to express my own pro-gay political beliefs.

6. On or about October 20, 2004, I learned that, earlier that day, Defendant Thornsberry had censored my friend and classmate Brad Mathewson, who is gay, for wearing a T-shirt to school that expressed his pro-gay political beliefs. Defendant Thornsberry had informed him that the T-shirt was inappropriate and offensive, and had instructed him either to change his shirt or to turn it inside-out. On the front of the T-shirt were the words "Gay-Straight Alliance." The words referred to a student organization at an out-of-state high school in which Brad had previously been enrolled. On the back of the T-shirt were the words "Make a Difference," three pairs of symbols – two male symbols (? ?), two female symbols (? ?), and a male and female (? ?) symbol – and a pink triangle, a well-known symbol of the gay rights movement. Brad had previously worn the T-shirt to school on multiple occasions without incident.

7. On or about October 27, 2004, I learned that, earlier that day, Defendant Thornsberry had censored Brad for wearing a different T-shirt to school that expressed his pro-gay political beliefs. Defendant Thornsberry had instructed him either to change his shirt or to turn it inside-out. On the front of the T-shirt were the words "I'm gay and I'm proud," a star, and a rainbow, another well-known symbol of the gay rights movement.

8. I further learned that, earlier that day, Defendant Thornsberry had censored another friend and classmate for wearing a T-shirt that expressed his pro-gay

political beliefs. Defendant Thornsberry had instructed him to change his shirt. On the front of the T-shirt were the words “I love lesbians.”

9. On or about November 7, 2004, I learned that Defendants Lankford and Gollhofer had informed Brad that he would not be allowed in school unless he refrained from wearing clothing expressing his pro-gay political beliefs.

10. On or about November 30, 2004, I observed Fred Phelps, a well-known political opponent of the gay community, and a handful of his supporters staging a protest in the local community to express their political belief that Brad should not be able to express his pro-gay political beliefs.

11. That night, with assistance from my mother Leda Myers, I made a T-shirt bearing several slogans expressing support for gay people (e.g., “I Support The Gay Rights,” “Love Who You Want To,” “Who Are We To Judge,” “I Support Them All The Way,” “We All Have The Right To Be Who We Want To Be”). A photograph of the T-shirt is attached as Exhibit 1. Several of my friends made similar T-shirts.

12. The following day, I wore my T-shirt to school to express both my support for Brad and my political belief that gay people and their supporters should be able to express their pro-gay political beliefs. Upon information and belief, my friends wore their T-shirts to school for similar reasons.

13. Defendants cannot show that any disruption resulted from the T-shirts themselves. Indeed, my friends and I did not even make it to our first classes for the day before Defendants Thornsberry and Gollhofer stopped us, rendering any assertion of disruption entirely speculative. If any disruption occurred, it resulted from Defendants’ own response to the T-shirts.

14. Defendants Thornsberry and Gollhofer instructed my friends and me to change our shirts or turn them inside-out. When we refused to do so, Defendants Thornsberry and Gollhofer sent us home for wearing our T-shirts to school. When my mother picked me up from school, Defendant Thornsberry informed her that I would be further disciplined if I were to wear my T-shirt to school again.

15. That night, with assistance from my mother, I made a new T-shirt bearing “Webster’s dictionary definition” of the word “gay” – “marry [sic]; happy.” A photograph of the T-shirt is attached as Exhibit 2. I did so because I wanted to communicate that there is nothing wrong with the word “gay.”

16. The following day, I wore the new T-shirt to school. I believed that I was allowed to do so because it was not the T-shirt that I had worn the previous day.

17. Defendants cannot show that any disruption resulted from the T-shirt itself. Indeed, I did not even make it to my first class for the day before Defendants Thornsberry and Gollhofer stopped me, rendering any assertion of disruption entirely speculative. If any disruption occurred, it resulted from Defendants’ own response to the T-shirt.

18. Defendants Thornsberry and Gollhofer instructed me to change my shirt. When I refused to do so, Defendants Thornsberry and Gollhofer sent me home for wearing my T-shirt to school. When my mother picked me up from school, Defendant Thornsberry informed her that I would be further disciplined if I were to wear any clothing expressing my pro-gay political beliefs to school again.

19. I have observed one of my classmates wearing a T-shirt to school expressing his anti-gay political beliefs, i.e., "Adam and Eve, Not Adam and Steve." I have further observed several of my classmates wearing T-shirts, buttons, stickers, etc. to school expressing their pro-religion political beliefs, e.g., "WWJD?" (i.e., "What Would Jesus Do?"), "God's Army Recruit" (with a cross and shield), etc. I am occasionally asked to share my political viewpoints during class.

20. I would like to wear my T-shirts to school again to express my political belief that gay people and their supporters should be able to express their pro-gay political beliefs. I have not done so for fear of further discipline. I am deeply concerned by the pattern of censorship of pro-gay student expression that Defendants have exhibited.

21. I fear retaliation by Defendants.

DATED this 5 day of ~~March~~^{April}, 2005.

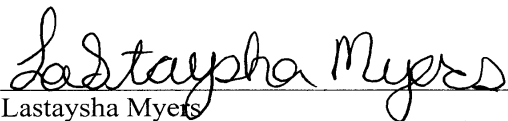

Lastaysha Myers



EXHIBIT 1



EXHIBIT 2