

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

Parents, Families, and Friends of Lesbians)	
and Gays, Inc.;)	
Dignity, Inc. d/b/a DignityUSA;)	
Matthew Shepard Foundation; and)	Case No. 2:11-cv-04212
Campus Pride, Inc;)	
)	
)	
Plaintiffs,)	COMPLAINT FOR
)	INJUNCTIVE RELIEF,
v.)	DECLARATORY
)	JUDGMENT, AND
)	NOMINAL DAMAGES
Camdenton R-III School District; and)	
Timothy E. Hadfield, individually and in his)	
official capacity as Superintendent of the)	
Camdenton R-III School District;)	
)	
Defendants.)	

COMPLAINT

This action challenges a school district’s use of an Internet filtering program that blocks websites supporting or advocating on behalf of lesbian, gay, bisexual, and transgender (“LGBT”) people but permits access to websites that condemn homosexuality or oppose legal protections for LGBT people. Plaintiffs do not challenge the ability of schools to use viewpoint-neutral filtering programs to block access to pornography or sexually explicit content. Rather, because the First Amendment prohibits viewpoint-discriminatory censorship in schools, this action challenges Defendants’ use of web-filtering software that is programmed to block otherwise-appropriate websites that are not sexually explicit based on the viewpoints those websites express.

Plaintiffs complain against Defendants as follows:

PARTIES

1. Plaintiff Parents, Families, and Friends of Lesbians and Gays, Inc. (“PFLAG”) is a national non-profit organization incorporated in California. It has over 200,000 members and supporters and over 350 affiliates throughout the United States. PFLAG has approximately 1,669 members and supporters and seven chapters in Missouri, including PFLAG Columbia/Mid-Missouri, PFLAG Kansas City, PFLAG Kirksville/NE Missouri, PFLAG Mineral Area, PFLAG Springfield, PFLAG St. Charles, and PFLAG St. Louis. PFLAG’s mission is to promote the health and well-being of LGBT persons, their families and friends through: support, to cope with an adverse society; education, to inform the public; and advocacy, to end discrimination and to secure equal civil rights. PFLAG envisions a society that embraces everyone, including those of diverse sexual orientations and gender identities. It believes that, only with respect, dignity and equality for all will we reach our full potential as human beings, individually and collectively. PFLAG provides an opportunity for dialogue about sexual orientation and gender identity and acts to create a society that is healthy and respectful of human diversity. PFLAG maintains an Internet website located at www.pflag.org that provides information about PFLAG chapters and resources, provides links for LGBT persons and for families and friends of LGBT persons, and offers advice aimed at keeping families together. PFLAG’s website does not contain pornography or sexually explicit content.

2. Plaintiff Dignity, Inc., doing business as DignityUSA, is a not-for-profit corporation organized under the laws of the District of Columbia. DignityUSA is the oldest and largest national lay movement of LGBT Catholics. It has approximately 6,000 members nationwide and 155 members in Missouri. DignityUSA envisions and works for a time when LGBT Catholics are affirmed and experience dignity through the integration of their spirituality

with their sexuality, and, as beloved persons of God, participate fully in all aspects of life within the Church and society. On a national level, DignityUSA advocates for change in the Catholic Church's teachings on homosexuality; provides educational materials, speakers, and other resources to Catholic parishes, gay ministries, and other interested groups; and maintains an ongoing dialogue with Catholic bishops and other Church leaders. In local chapters, members worship openly with other LGBT and supportive Catholics, socialize, share personal and spiritual concerns, and work together on educational and social justice issues. DignityUSA has chapters located throughout the United States, and it maintains an Internet website located at <http://www.dignityusa.org>. The website provides information regarding the organization and its ministries, answers frequently asked questions regarding Catholicism and homosexuality, and provides resources for those visiting the site, including a Young Adult Caucus for gay and lesbian youth on its blog. DignityUSA's website does not contain pornography or sexually explicit content.

3. Plaintiff Matthew Shepard Foundation, a non-profit corporation incorporated in the state of Wyoming, was founded by Dennis and Judy Shepard in memory of their 21-year-old son, Matthew, who was murdered in an anti-gay hate crime in Wyoming in October 1998. The Foundation's mission is to encourage respect for human dignity and difference by raising awareness, opening dialogues, and promoting positive change. It works to support diversity programs in education and to help youth organizations establish environments where young people can feel safe and be themselves. Matthew Shepard Foundation maintains an Internet website located at www.matthewshepard.org. The website includes a link to MatthewsPlace.com, which is an online community and resource center for LGBT and allied youth. It provides resources about LGBT youth-friendly shelters, outreach centers and

empowerment programs across the country. It includes moderated chats, discussion boards, and informational columns from notable individuals in the LGBT and allied community. Neither www.matthewshepard.org nor www.MatthewsPlace.com contains pornography or sexually explicit content.

4. Plaintiff Campus Pride, Inc. (“Campus Pride”), which is incorporated in the State of North Carolina, was founded in the fall of 2001 and represents the only national nonprofit 501(c)(3) organization for student leaders and campus groups working to create a safer college environment for LGBT students. Campus Pride estimates that nearly 300,000 people are served annually through its programs and services. It is a volunteer-driven network “for” and “by” student leaders. The primary objective of Campus Pride is to develop necessary resources, programs, and services to support LGBT and allied students on college campuses across the United States. Campus Pride’s mission is to serve LGBT and allied student leaders and campus organizations in the areas of leadership development, support programs, and services to create safer, more inclusive LGBT-friendly colleges and universities. It exists to develop, support and give “voice and action” in building future LGBT and allied student leaders. Campus Pride envisions campuses and a society free of LGBT prejudice, bigotry, and hate. It works to develop student leaders, campus networks, and future actions to create such positive change. Campus Pride maintains a website that can be located at either www.campuspride.net or www.campuspride.org. The website provides information about Campus Pride events and conferences, newsletters, a blog, and a discussion board. Campus Pride also maintains additional websites with resources for LGBT youth, including www.Stophate.org, www.Lambda10.org, and www.CampusClimateIndex.org. None of Campus Pride’s websites contains pornography or sexually explicit content.

5. Defendant Camdenton R-III School District (“Camdenton R-III” or the “District”) is a school district that provides public education to school-aged students within Camden County, Missouri. Camdenton R-III School District is a public school system organized and maintained under the laws of the State of Missouri. The District has a student population of more than 4,200 students, with nine school facilities on three campuses.

6. Defendant Timothy E. Hadfield is the Superintendent of the Camdenton R-III School District. Upon information and belief, he resides in Camdenton, Missouri.

JURISDICTION AND VENUE

7. This Court has federal-question jurisdiction over Plaintiffs’ claims arising under the First and Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983. Jurisdiction is therefore proper under 28 U.S.C. § 1331 (general federal question jurisdiction) and § 1343 (civil rights actions). This Court has supplemental jurisdiction over Plaintiffs’ claims arising under the Constitution of the State of Missouri pursuant to 28 U.S.C. § 1367. This Court has jurisdiction to render the declaratory relief requested under 28 U.S.C. §§ 2201 and 2202.

8. Venue is proper in this district under 28 U.S.C. § 1391 because Defendants reside in this district and the action arose in this district.

9. Divisional venue is proper in the Central Division of the Western District of Missouri because Defendants reside in Camden County, Missouri, and the events or omissions giving rise to the claims at issue occurred in Camden County. Local Rule 3.1.

FACTUAL ALLEGATIONS

Background

10. The Children's Internet Protection Act ("CIPA") requires public schools receiving E-rate funds to use filtering software to block websites with visual depictions that are obscene or pornographic. Such use of Internet filtering software is not challenged in the present action.

11. While the Supreme Court has permitted schools to block student access to categories of web content deemed inappropriate for student viewing on a viewpoint-neutral basis, schools may not use filtering software to censor only certain viewpoints on topics for which access is otherwise allowed. It is precisely this type of viewpoint-discriminatory filtering that is challenged in the present action.

12. Camdenon R-III utilizes Internet filtering software in its computer network to comply with CIPA.

13. The filtering software being utilized by Camdenon R-III was custom built by the District.

14. The District's present filtering configuration was deemed appropriate by Randal Cowen, Network Administrator, in consultation with either the Assistant Superintendent in charge of Technology or the Superintendent of Schools.

15. For its custom-built Internet filter, the District downloads a database of categorized web addresses from a website called "URLBlacklist.com."

16. URL Blacklist is not a typical commercial Internet filtering company. It is a website with no physical address or phone number. It creates blacklists by collecting and aggregating other lists that are freely available on the Internet.

17. URL Blacklist specifically warns that “[t]he blacklist *does* contain sites which are wrongly categorized which is due to the bulk of the entries being collected using automatic scripts.” It also states that “[t]he blacklist does not only contain sites that are considered ‘bad’ but it also contains many other categories. . . . Being listed does not infer that the site is ‘bad’—these are just lists of sites.”

18. URL Blacklist does not purport to categorize websites according to their educational content or the pedagogical needs of students.

19. URL Blacklist includes two categories designed to block vulgar and pornographic content on a viewpoint-neutral basis. The URL Blacklist category “adult” includes websites “containing adult material such as swearing but not porn.” The URL Blacklist category “porn” lists websites containing “pornography.”

20. A separate category in URL Blacklist’s database is called “sexuality.” The “sexuality” category is defined as “[s]ites dedicated to sexuality, possibly including adult material.”

21. The “sexuality” category is not designed to capture websites based on the websites’ pornographic content. Rather, the “sexuality” category is designed to capture all websites “dedicated to sexuality,” regardless of whether the websites are sexually explicit in any way.

22. Although the “sexuality” category includes some websites that are also listed in the “adult” and/or “porn” categories, it also captures hundreds of websites that qualify for inclusion in neither of those categories. Some are websites that contain sexual content but are not categorized as “adult” or “porn.” Others, however, are educational websites that are not

sexually explicit, contain no “adult” material, and are addressed entirely to religious, legal, political, and social issues relating to sexuality.

23. Websites included in the “sexuality” category that also qualify as “porn” or “adult” can be screened by activating the “porn” and “adult” filters, without also activating the “sexuality” filter. Websites included in the “sexuality” category that contain sexually explicit content but are not also categorized as “porn” or “adult” can be screened by blocking those sites individually.

24. The District also has the option of using better, more reputable Internet filtering services that categorize on a viewpoint-neutral basis and that distinguish websites with sexually explicit content from websites that discuss religious, legal, political, and social issues relating to sexuality.

25. Despite the availability of these alternatives, the District has chosen to rely on custom-built Internet filtering software based on URL Blacklist that blocks all websites included in the “sexuality” category, not just those containing sexually explicit content.

26. Plaintiffs do not challenge the District’s decision to filter websites included in the “adult” or “porn” categories of URL Blacklist.

27. Plaintiffs do not challenge the District’s ability to manually block sexually explicit content that has not been categorized as “adult” or “porn.”

28. Plaintiffs do challenge the District’s decision to filter all websites included in the “sexuality” category of URL Blacklist, which is not designed to capture only sexually explicit content but is instead designed to capture all content “dedicated to sexuality” regardless of whether the content is sexually explicit in any way based on the viewpoints those websites express .

Activating the “Sexuality” Filter Constitutes Viewpoint Discrimination

29. The “sexuality” category in URL Blacklist’s database captures websites in a manner that is not viewpoint-neutral. Specifically, it captures websites that are supportive of LGBT rights, but not those that oppose LGBT rights.

30. Other, more reputable Internet filtering services do not arbitrarily group non-sexual LGBT-related websites together with sexually explicit content.

31. The District’s decision to rely on URL Blacklist and to block its entire “sexuality” category constitutes viewpoint discrimination among the websites to which students are permitted access.

32. Indeed, the District’s Internet filtering software blocks access to hundreds of educational LGBT websites and other Internet resources supporting LGBT youth that are not sexually explicit, including, but not limited to, the websites of Plaintiffs PFLAG, DignityUSA, Matthew Shepard Foundation, and Campus Pride.

33. The sexuality category in URL Blacklist’s database includes the website for Plaintiff PFLAG: pflag.org. In addition to blocking the website for PFLAG’s national organization, the District’s Internet filtering software also blocks the websites for a number of PFLAG’s local chapters and affiliates, including pflag-austin.org, pflag-eastbay.org, pflag-nb.org, pflag-palatine.org, pflag-phoenix.org, pflag.ca, pflag.communitypoint.org, pflag.org, pflag.org.au, pflag.us, pflagaa.org, pflagaustralia.org.au, pflagboulder.org, pflagcanada.ca, pflagcd.tripod.com, pflagcolumbiasc.org, pflagdayton.org, pflagdc.org, pflagdenton.org, pflagdetroit.org, pflagdownriver.org, pflagftc.org, pflaghilo.org, pflaghouston.org, pflagjtown.org, pflagkc.org, pflagla.org, pflaglubbock.org, pflagoahu.blogspot.com,

pflagpensacola.org, pflagphila.org, pflagphoenix.org, pflagsanjose.org, pflagshreveport.org, pflagsouthoc.org, pflagtucson.org, and pflagtulsa.org.

34. PFLAG uses its website to provide advice and support to LGBT youth. Many families struggle with accepting their LGBT children, compounding the isolation, stigma and discrimination these young LGBT people endure. To more fully support these youth, PFLAG communicates through a variety of resources, many of which are made available on its website. For young people struggling to find support, PFLAG's website offers "Coming Out Help for Families and Friends" (<http://community.pflag.org/page.aspx?pid=539>), which provides information for young people looking for supportive resources and guidance on how to talk to a family member about their sexual orientation and/or gender identity. This includes information on finding a PFLAG chapter; stories from real PFLAG families providing a better understanding about the coming out process and how PFLAG can help; general answers to many common questions about LGBT communities; a popular booklet answering several commonly-asked questions about having a gay child; a publication providing transgender children and their parents with resources to help forge stronger familial relationships after a transgender child comes out; resources to help families of different ethnic backgrounds deal with the unique challenges of a child coming out; guidance for family members and allies after a loved one or friend comes out; guidance on how to respond to LGBT issues that arise during family visits; resources for straight allies of LGBT individuals; and resources for creating a gender-sensitive and inclusive environment for all children and teens through education, training, and support. Because of the high costs of printing and mailing, all of PFLAG's top publications are made available on PFLAG's website for no cost.

35. PFLAG's website also offers resources to LGBT students on how they can claim their federal civil rights if they have experienced bullying, harassment, and/or discrimination by filing a claim with the U.S. Department of Education's Office for Civil Rights. This resource is available at www.pflag.org/claimyourrights. PFLAG also offers ways that school community members can take action to build safer schools. Resources related to safe schools advocacy are found at <http://community.pflag.org/page.aspx?pid=1011>.

36. PFLAG's national organization is charged with cultivating, resourcing and serving over 350 chapters. One of the primary ways the organization equips those chapters to more fully support, educate and advocate on behalf of LGBT communities, including LGBT students, is by sharing helpful resources and guidance on its website. If, for example, a young student does not have access to a Gay-Straight Alliance or an LGBT youth center or program, one place they can search for supportive resources is by visiting PFLAG's website. The coming-out guidance and safer schools resources PFLAG provides have offered enormous support to LGBT young people nationwide.

37. During the past year, on a national level, PFLAG's website had 423,546 visits and 1,561,610 page views. In Missouri, it had approximately 4,584 visits with about 19,236 page views for an average of 382 visitors viewing 1,623 pages per month.

38. The "sexuality" category in URL Blacklist's database also includes the website for Plaintiff DignityUSA: dignityusa.org. In addition to blocking the website for DignityUSA's national organization, the District's Internet filtering software also blocks the websites for several of DignityUSA's local chapters and affiliates, including dignityboston.org, dignityhouston.freeyellow.com, dignitypacific.org, and dignitysd.org.

39. DignityUSA seeks to communicate with students via its website because young people are often discovering their sexual orientation and/or gender identity and need resources that address questions they may have. Many feel shame and isolation due to messages they have received from religious authorities or their religious traditions. The ability to present gay-positive religious messages is important in helping create space and freedom for students and other young people to begin to accept affirming messages.

40. The “sexuality” category in URL Blacklist’s database includes two websites maintained by Plaintiff Matthew Shepard Foundation: www.matthewshepard.org and www.MatthewsPlace.com. The Foundation’s work includes a particular focus on ensuring LGBT and questioning youth have access to resources which can help them lead healthy, productive, hate-free lives. Those resources include community organizations, care providers, topical motivational interviews with LGBT professionals, blogs, and other educational and interactive features provided chiefly through MatthewsPlace.com.

41. MatthewsPlace.com is entirely devoted to a youth audience, ranging in age from 13 to the early 20s. It provides articles and links on coming out, talking to friends and family, emergency hotlines, local and national services and centers, faith and spirituality, tips on healthy living, youth blogs, interviews, and topical online chats. It also provides information on productions of “The Laramie Project,” a play that examines life in the town of Laramie during the year after Matthew Shepard’s murder and has been produced over 5,000 times by schools, community theaters, faith-based organizations, and mainstream theater groups around the world. Additionally, MatthewShepard.org, the Foundation’s main organizational website, offers links to the Foundation’s collaborators at the Stop the Hate campus program and a contact form for “Laramie Project” support.

42. Useful resources for LGBT and questioning youth are fairly scarce, especially in rural areas, even though the population in need of such resources is widely dispersed geographically. In the Foundation's judgment, providing these resources online is the only cost-effective and geographically widespread approach that guarantees equal access opportunities.

43. During the past year, MatthewsPlace.com received 41,054 visits, including 475 visits from Missouri. It had 34,644 unique visitors and 95,109 page views. MatthewShepard.org had 127,899 visits, including 1,539 from Missouri and three from Camden. It had 100,569 unique visitors and 289,479 page views.

44. In addition, the "sexuality" category in URL Blacklist's database includes a link to one of the main websites for Plaintiff Campus Pride: www.campuspride.net. It also blocks three other websites maintained by Campus Pride: www.Stophate.org, www.Lambda10.org, and www.CampusClimateIndex.org. Stop The Hate supports colleges and universities in preventing and combating hate on campus as well as fostering the development of community. Lambda 10 works to heighten the visibility of LGBT members of college fraternities and sororities. The Campus Climate Index is a tool for assisting campuses in learning ways to improve their LGBT campus life and ultimately shape the educational experience to be more inclusive, welcoming and respectful of LGBT people and their allies.

45. Campus Pride's websites are important tools in its communication efforts. The websites provide resources to help LGBT youth find LGBT-friendly colleges; share valuable research on LGBT college campus issues; list activities and events to teach leadership skills and awareness for LGBT and allied youth; provide information on scholarships that Campus Pride offers for LGBT and allied youth; list LGBT-friendly college fairs; provide resources for LGBT and allied youth to feel supported, safe, and welcome on campus; and provide resources and

training opportunities regarding bias and hate crime prevention on campus. Campus Pride's primary audience includes students in general and LGBT students in particular.

46. In addition, websites of the following LGBT-supportive organizations are also listed in the URL Blacklist database's "sexuality" category, and (with limited exceptions noted below in Paragraph 47), are currently blocked by the District's Internet filter:

- a. **Affirmation** (affirmation.org). Affirmation is an organization of gay and lesbian Mormons who seek understanding and acceptance of gays and lesbians as full and equal members of society and church.
- b. **The Ali Forney Center** (aliforneycenter.org). The mission of the Ali Forney Center is to protect LGBT youth from the harm of homelessness and to support them in becoming safe and independent as they move from adolescence to adulthood.
- c. **Claiming the Blessing** (claimingtheblessing.org). Claiming the Blessing is an unincorporated coalition of Episcopal organizations and individuals advocating for full inclusion of all the baptized in all sacraments of the church, including the blessing of same-sex relationships and equal access to all orders of ministry by qualified gay, lesbian, bisexual, and transgendered candidates.
- d. **The Center for Lesbian and Gay Studies in Religion and Ministry** (clgs.org). The mission of CLGS is to advance the well-being of lesbian, gay, bisexual, and transgendered people and to transform faith communities and the wider society by taking a leading role in shaping a

new public discourse on religion and sexuality through education, research, community-building and advocacy.

- e. **Day of Silence** (dayofsilence.org). Sponsored by the Gay, Lesbian and Straight Education Network, the National Day of Silence is a day of action in which students across the country take some form of a vow of silence to call attention to the silencing effect of anti-LGBT bullying and harassment in schools.
- f. **International Day Against Homophobia and Transphobia** (dayagainsthomophobia.org). The International Day Against Homophobia and Transphobia has been launched with the idea of creating a worldwide community of activists and committed people sharing the ideal of a world without homophobia or transphobia in which everyone can freely live their sexual orientation and the gender identity they wish to live.
- g. **Evangelicals Concerned** (ecwr.org). Evangelicals Concerned is a nationwide ministry that encourages and affirms lesbian, gay, bisexual and transgendered Christians in their faith. It organizes small groups, bible studies, social activities and other events in many North American cities, and it organizes national and regional conferences every year.
- h. **Catholic Lesbians** (cclonline.org). Catholic Lesbians is an online support and spiritual community for women who seek to integrate their lesbian and Catholic identity in their lives.
- i. **Don't Ask, Don't Tell, Don't Pursue: A digital law project of the Robert Crown Law Library at Stanford Law School**

(dont.stanford.edu). The “Don’t Database” is part of a digital law project developed by the Stanford library that contains primary materials on the U.S. military’s policy on sexual orientation from World War I to the present.

- j. **Equality Federation** (equalityfederation.org). Equality Federation is the national alliance of state-based lesbian, gay, bisexual and transgender advocacy organizations. The Federation works to achieve equality for LGBT people in every state and territory by building strong and sustainable statewide organizations in a state-based movement.
- k. **Equality Forum** (equalityforum.com). Equality Forum coordinates GLBT History Month, produces documentary films, undertakes high-impact initiatives and presents the largest annual national and international GLBT civil rights forum. Equality Forum produces these innovative events in collaboration with learning institutions, professional associations, research centers, for-profit companies and nonprofit organizations.
- l. **Equality Matters** (equalitymatters.org). EqualityMatters.org is a new media and communications initiative in support of gay equality. Through strategic communications, research, training, and media monitoring, the organization strengthens efforts for full LGBT rights and corrects anti-gay misinformation.
- m. **Families Like Ours** (familieslikeours.org). Families Like Ours is a nonprofit family adoption exchange providing a gateway to adoption-

foster programs, resources, education, advocacy, and placement agencies that work with all families without judgment of their family structure. The organization allows adoptive families to mentor other adoptive families, to guide them through the process, help them figure out the adoption maze, and get them in contact with the right people.

- n. **Family Equality Council** (familyequality.org). Family Equality Council works at all levels of government to advance full social and legal equality on behalf of the approximately one million lesbian, gay, bisexual, and transgender families raising two million children.
- o. **Four Freedoms Democratic Club** (fourfreedoms.org). Four Freedoms is an organization of LGBT-identified individuals belonging to the Democratic Party and located in Kansas City, Missouri. The website includes both a blog and a calendar of events.
- p. **Freedom to Marry** (freedomtomarry.org). Freedom to Marry is the campaign to win marriage nationwide. Freedom to Marry partners with individuals and organizations across the country to end the exclusion of same-sex couples from marriage and the protections, responsibilities, and commitment that marriage brings.
- q. **Gill Foundation** (gillfoundation.org). The Gill Foundation's work breaks into three primary areas: advocacy for equality by partnering with LGBT nonprofits; building a better Colorado by partnering with hundreds of organizations that share its commitment to improving the quality of life for people across that state; and engaging donors when it educates and

energizes them about the wide variety of LGBT nonprofits that further equality through their hard work every day.

- r. **The Gay & Lesbian Alliance Against Defamation** (glaad.org). The Gay & Lesbian Alliance Against Defamation (“GLAAD”) amplifies the voice of the LGBT community by empowering real people to share their stories, holding the media accountable for the words and images they present, and helping grassroots organizations communicate effectively.
- s. **Gay & Lesbian Advocates & Defenders** (glad.org). Gay & Lesbian Advocates & Defenders (“GLAD”) is New England’s leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression.
- t. **GLBT Historical Society** (glbthistory.org). The Gay, Lesbian, Bisexual, Transgender Historical Society collects, preserves, and interprets the history of GLBT people and the communities that support them. The organization sponsors exhibits and programs on an on-going basis.
- u. **Gay, Lesbian, & Straight Education Network** (glsen.org). The Gay, Lesbian & Straight Education Network (“GLSEN”) strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. The organization works to educate teachers, students and the public at large about the damaging effects that homophobia and heterosexism have on youth and adults alike.

- v. **GO Proud** (goproud.org). GO Proud represents gay conservatives and their allies and promotes a traditional conservative agenda by influencing politics and policy at the federal level.
- w. **Gay-Straight Alliance (GSA) Network** (gsanetwork.org). Gay-Straight Alliance (GSA) Network is a youth leadership organization that connects school-based Gay-Straight Alliances (GSAs) to each other and community resources through peer support, leadership development, and training.
- x. **Human Rights Campaign** (hrc.org). The Human Rights Campaign (“HRC”) is America’s largest civil rights organization working to achieve LGBT equality. HRC seeks to improve the lives of LGBT Americans by lobbying elected officials, mobilizing grassroots supporters, educating Americans, investing strategically to elect fair-minded officials and partnering with other LGBT organizations.
- y. **International Gay & Lesbian Human Rights Commission** (iglhrc.org). The International Gay and Lesbian Human Rights Commission is a leading international organization dedicated to human rights advocacy on behalf of people who experience discrimination or abuse on the basis of their actual or perceived sexual orientation, gender identity or expression.
- z. **Immigration Equality** (immigrationequality.org). Immigration Equality is a national organization fighting for equality under U.S. immigration law for lesbian, gay, bisexual, transgender, and HIV-positive individuals.
- aa. **Lambda Legal** (lambdalegal.org). Lambda Legal is a national organization committed to achieving full recognition of the civil rights of

lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

- bb. **Lesbian Health & Research Center** (lesbianhealthinfo.org). The Lesbian Health & Research Center is dedicated to speeding up the pace of research for the LGBTQ community and to closing the gap in LGBTQ health disparities.
- cc. **Marriage Equality USA** (marriageequality.org). Marriage Equality USA is a national grassroots organization that works to secure legally-recognized civil marriage equality for all, at the federal and state level, without regard to gender identity or sexual orientation.
- dd. **National Center for Lesbian Rights** (nclrights.org). National Center for Lesbian Rights directly supports LGBT people and their families and helps to advance the civil and human rights of LGBT people through litigation, public policy advocacy, and public education.
- ee. **National Gay and Lesbian Task Force** (ngltf.org). The National Gay and Lesbian Task Force builds the grassroots power of the LGBT community by training activists, equipping state and local organizations with the skills needed to organize broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation, and building the organizational capacity of their movement.
- ff. **NOH8 Campaign** (noh8campaign.com). The NOH8 Campaign is a photographic silent protest created by celebrity photographer Adam Bouska and Jeff Parshley in direct response to the passage of Proposition

8. Photos feature subjects with duct tape over their mouths, symbolizing their voices being silenced by Prop 8 and similar legislation around the world, with "NOH8" painted on one cheek in protest.

gg. **LGBT@NYPL: The New York Public Library's LGBT collection**

(lgbt.nypl.org). LGBT@NYPL was created to connect Lesbian, Gay, Bisexual and Transgender communities with the resources, services, and expertise that The New York Public Library has to offer, including archives; programs; outreach to teens and seniors; and other materials of personal interest.

hh. **ONE National Gay & Lesbian Archives** (onearchives.org). The ONE

National Gay & Lesbian Archives is dedicated to collecting, preserving, documenting, studying, and communicating the history, challenges, and aspirations of all lesbian, gay, bisexual, and transgender people by supporting education and research about their heritage and experience worldwide.

ii. **Pride At Work Action Center** (prideatwork.org). The Pride at Work

Center is a coalition of lesbian, gay, bisexual, and transgender labor and their straight allies who organize mutual support between the organized Labor Movement and the LGBT Community for social and economic justice.

jj. **The Safe Schools Coalition** (safeschoolscoalition.org). The Safe Schools

Coalition seeks to reduce bias-based bullying and violence in schools and to help schools better meet the needs of sexual minority youth and

children with sexual minority parents/ guardians locally, nationally, and internationally.

- kk. **Servicemembers Legal Defense Network** (sldn.org). Servicemembers Legal Defense Network is a non-partisan, non-profit, legal services, watchdog and policy organization dedicated to ending discrimination against and harassment of military personnel affected by “Don’t Ask, Don’t Tell.”
- ll. **Stonewall Democrats** (stonewalldemocrats.org). The National Stonewall Democrats is a grassroots network connecting LGBT Democratic activists all over the United States that focuses on educating the LGBT community about the differences between the political parties; mobilizing the LGBT community to vote for fair-minded Democrats; and standing against Republican candidates who attack LGBT civil rights.
- mm. **Straight for Equality** (straightforequality.org). Straight for Equality is a national outreach and education project created by PFLAG National to empower allies in supporting and advocating for gay, lesbian, bisexual and transgender people.
- nn. **The Trevor Project** (thetrevorproject.org). The Trevor Project is determined to end suicide among LGBTQ youth by providing life-saving and life-affirming resources, including a nationwide, 24/7 crisis intervention lifeline, digital community and advocacy/educational programs that create a safe, supportive and positive environment for everyone.

oo. **Transgender Law & Policy Institute** (transgenderlaw.org). The

Transgender Law & Policy Institute (TLPI) is a non-profit organization dedicated to engaging in effective advocacy for transgender people in our society by bringing experts and advocates together to work on law and policy initiatives designed to advance transgender equality.

47. As discussed below in Paragraph 61, the District has already acknowledged that at least four of these websites—Day of Silence, The Trevor Project, GSA Network and Gay, Lesbian, Straight Education Network (GLSEN)—are fully appropriate for student viewing by agreeing to unblock them in response to specific inquiries regarding these four sites from the American Civil Liberties Union Foundation (“ACLU”).

48. However, because the District has refused to either unblock the “sexuality” category or use a more reputable Internet filtering service, hundreds of other websites appropriate for student viewing remain impermissibly blocked, including those of Plaintiffs PFLAG, DignityUSA, Matthew Shepard Foundation, and Campus Pride.

49. The “sexuality” category in URL Blacklist’s database does not block all websites related to sexual orientation on a viewpoint-neutral basis.

50. Websites that condemn homosexuality, oppose protections for LGBT people, or encourage LGBT people to attempt to change their sexual orientation through so-called reparative therapy, are not included in the “sexuality” category and, thus, are not blocked. For example, the following organizations’ websites are not included in the “sexuality” category on URL Blacklist:

a. **Alliance Defense Fund** (alliancedefensefund.org). The Alliance Defense Fund describes itself as a legal alliance defending the right to hear and

speak the Truth through strategy, training, funding, and direct litigation. The organization focuses on three issues: religious freedom, sanctity of life, and marriage and the family. Its website includes a petition to President Obama urging the President to defend the Defense of Marriage Act and limit marriage to one man and one woman.

- b. **American Family Association** (www.afa.net). The American Family Association describes itself as “one of the largest and most effective pro-family organizations in the country.” The AFA website describes its efforts to defeat gay marriage initiatives and to combat what it refers to as “the homosexual agenda.”
- c. **Concerned Women for America** (www.cwfa.org). Concerned Women for America describes itself as “the nation’s largest public policy women’s organization with a rich 30-year history of helping our members across the country bring Biblical principles into all levels of public policy.” The CWFA website identifies the “Defense of the Family” as one of its core issues, and explains: “CWA believes that marriage consists of one man and one woman.”
- d. **Christian Coalition** (www.cc.org). The Christian Coalition describes itself as “one of the largest conservative grassroots political organizations in America founded by Pat Robertson in 1989.... The Coalition is a political organization, made up of pro-family Americans who care deeply about ensuring that government serves to strengthen and preserve, rather than threaten, our families and our values.” The CC website lists

“Protecting the Defense of Marriage Act” as one of its top agenda items for 2011, and states that it “will aggressively oppose any efforts to overturn the Defense of Marriage Act.”

- e. **Day of Dialogue** (www.dayofdialogue.com). The Day of Dialogue website states: “As a high school or college student, do you wish your classmates could hear more of the story – like the truth about God’s deep love for us and what the Bible really says about His redemptive design for marriage and sexuality? Wouldn’t it be nice if a deeper and freer conversation could happen when controversial sexual topics are brought up in your school?” It also states: “So God designed us male and female, and intended marriage between a man and a woman to reflect His image...” The website includes anti-gay pieces written by Jeff Johnston, who is described as “a gender and homosexuality analyst for Focus on the Family.”
- f. **Exodus International** (www.exodusinternational.org). Exodus International describes itself as the “world’s largest ministry to individuals and families impacted by homosexuality.” Its website states: “Exodus upholds heterosexuality as God’s creative intent for humanity, and subsequently views homosexual expression as outside of God’s will...Exodus upholds redemption for the homosexual person as the process whereby sin’s power is broken, and the individual is freed to know and experience their true identity, as discovered in Christ and His Church. That process includes the freedom to grow into heterosexuality.”

- g. **Family Research Council** (www.frc.org). The Family Research Council explains that it “champions marriage and family as the foundation of civilization, the seedbed of virtue and the wellspring of society.” Its website includes a link to one of the organization’s pamphlets entitled “The Top Ten Myths About Homosexuality.” Among the “myths” listed is “Myth No. 5: Homosexuals do not experience a higher level of psychological disorders than heterosexuals.” The pamphlet states: “FACT: Homosexuals experience considerably higher levels of mental illness and substance abuse than heterosexuals. A detailed review of the research has shown that ‘no other group of comparable size in society experiences such intense and widespread pathology.’” The pamphlet also includes “Myth No. 8: Homosexuals are no more likely to molest children than heterosexuals.”
- h. **National Association for Research & Therapy of Homosexuality** (www.narth.com). NARTH describes itself as “a professional, scientific organization that offers hope to those who struggle with unwanted homosexuality.” Its website links to a document entitled “The Three Myths About Homosexuality.” It includes “Myth #1: Homosexuality is normal and biologically determined.” The document states: “Scientific research supports age-old cultural norms that homosexuality is not a healthy, natural alternative to heterosexuality.”
- i. **National Organization for Marriage** (www.nationformarriage.org). NOM was founded in 2007 “in response to the growing need for an

organized opposition to same-sex marriage in state legislatures.” The organization’s website links to a page called “Why Marriage Matters” that “lays out the social scientific reasons why marriage between one man and one woman is best for children and society.”

- j. **People Can Change** (www.peoplecanchange.com). People Can Change describes its mission as being “[t]o support and guide men who seek to transition away from unwanted homosexuality, by courageously and compassionately sharing our own first-hand experience with change.”
- k. **Ruth Institute** (www.ruthinstitute.org). The Ruth Institute describes itself as “a non-profit educational organization that is part of the National Organization for Marriage (NOM), that promotes marriage as a fundamental gender-based institution of society.” One of the projects of the Ruth Institute, as described on the organization’s website, is a workshop series entitled “Gay Marriage Affects Everyone.” It is described as “a workshop series explaining the importance of man-woman marriage.”

51. Notably, URL Blacklist even blocks a web address for the Supreme Court’s decision in *Lawrence v. Texas*, 539 U.S. 558 (2003), which held that laws criminalizing sodomy were unconstitutional, among its blocked websites. It does not, however, include any web addresses for the Court’s decision in *Bowers v. Hardwick*, 478 U.S. 186 (1986), which upheld a Georgia statute criminalizing sodomy and was overturned by *Lawrence*, among its blocked websites.

52. As a result of the viewpoint-based “sexuality” filter, students at Camdenon R-III may access a wide range of websites about child-rearing and family life that condemn homosexuality as being incompatible with traditional family values and encourage gay people to change their sexual orientation, but may not access the websites of Plaintiff PFLAG and other groups that advocate in support of families that love and accept LGBT people.

53. As a result of the viewpoint-based “sexuality” filter, students at Camdenon R-III may access a wide range of websites with religious viewpoints that condemn homosexuality from a religious perspective, but may not access the websites of Plaintiff DignityUSA and other groups that use a religious perspective to advocate for acceptance and support of LGBT people.

54. As a result of the viewpoint-based “sexuality” filter, students at Camdenon R-III may access a wide range of websites devoted to young people that condemn homosexuality and attempt to convince young people that God intended that marriage be only between a man and a woman, but may not access the websites of Plaintiffs Matthew Shepard Foundation, Campus Pride, and other groups that advocate for acceptance and support of LGBT youth and LGBT student rights.

55. The District’s unblocking of specific websites upon request is inadequate to protect Plaintiffs’ free speech rights. URL Blacklist is revised and updated on a continuing basis, and, as a result, new pages and new content will likely be blacklisted and blocked in the future. Plaintiffs’ right to publish their viewpoints without their messages being selectively blocked by the District on a viewpoint-discriminatory basis can be protected only by the District either unblocking the “sexuality” category or changing to a more accurate and reputable Internet filtering service.

56. Furthermore, requiring Plaintiffs and other organizations with pro-LGBT websites to make requests with the District for their websites to be unblocked places a burden on Plaintiffs' speech that is not placed on anti-LGBT websites. The result is a prior restraint for the pro-LGBT viewpoint but not the anti-LGBT viewpoint.

57. In sum, students in the Camdenton R-III School District are permitted to access websites with an anti-LGBT viewpoint but are prohibited from accessing websites that are supportive of LGBT people.

The District Has Refused to De-Activate Its Viewpoint-Discriminatory Filter or Adopt Viewpoint-Neutral Software

58. On May 24, 2011, Anthony Rothert, Legal Director, ACLU of Eastern Missouri, sent a letter to Defendant Hadfield, Superintendent of the Camdenton R-III School District, explaining that the District's filtering software violates the First Amendment, and requesting a response indicating whether the District would deactivate the "sexuality" filter and restore students' access to websites containing LGBT-supportive content and resources. Alternatively, Mr. Rothert suggested that the District use a different, viewpoint-neutral screening filter that did not discriminate against non-sexual LGBT material.

59. On May 26, 2011, Thomas A. Mickes, counsel for the District, responded to Mr. Rothert, denying that the district's filtering system relies on URL Blacklist.

60. On May 31, 2011, Mr. Rothert responded to Mr. Mickes, again requesting a response indicating whether the district would deactivate the "sexuality" filter or adopt viewpoint-neutral filtering software.

61. On June 6, 2011, Betsey Helfrich, co-counsel for the District, responded to Mr. Rothert, acknowledging that the district did, in fact, "utilize[] the URL Blacklist filtering system as a base for devising a custom filtering system for the District." Although (as described in

para. 47, *supra*) the District agreed to unblock four specific websites the ACLU mentioned in its letter to Mr. Hadfield, Ms. Helfrich informed Mr. Rothert that “the District will not deactivate the ‘sexuality’ filter from the District’s network.”

62. On Friday August 12, 2011, the District reaffirmed that it would refuse to make any additional changes to its discriminatory filtering software. Camdenon R-III officials told Lake News Online that the ACLU’s complaints would not change the District’s policy or approach to filtering Internet sites when students return to class for the new school year.

Harm Caused By the District’s Viewpoint-Based Censorship

63. By blocking access to Plaintiffs’ websites on the basis of viewpoint, the District has interfered with Plaintiffs’ ability to communicate with students who want to receive Plaintiffs’ message.

64. There is no educational basis for the District’s use of filtering software that blocks LGBT-supportive viewpoints, but permits access to websites that contain anti-LGBT viewpoints.

65. Although school libraries have traditionally made content-based decisions to exclude from their collections materials that are pornographic, not educationally suitable, or age inappropriate, school libraries do not have free rein to remove otherwise-appropriate materials from their collections based on the viewpoint those materials express.

66. In light of the viewpoint discrimination inherent in URL Blacklist’s “sexuality” category, it is unreasonable for the District to rely on URL Blacklist, which is simply a website with no physical address or phone number and no guarantee regarding the accuracy of its filtering system, rather than using a reputable Internet filtering service that is capable of filtering in a viewpoint-neutral manner.

67. Blocking LGBT-supportive websites undermines the ability of all students to prepare for their responsibilities as citizens and voters. By blocking websites advocating one side of pressing issues facing the LGBT community, the District is preventing students, both gay and straight, from fully informing themselves on the issues underlying political, social and religious debates about the rights of LGBT people.

68. Blocking LGBT-supportive websites could also make it difficult for students to complete school assignments regarding current events or social studies. Curricular standards established by the Missouri Department of Education provide that students at Missouri schools should learn about, *inter alia* “the evolution of American democracy, its ideas, institutions and political processes,” including the “struggle for civil rights,” “the changing character of American society and culture” in “arts and literature, education and philosophy, religion and values, and science and technology,” “major social institutions” such as “family, education, religion, economy and government” and “how they fulfill human needs,” “the causes, consequences and possible resolutions of cultural conflicts,” the “[e]ffect of laws and events on relationships,” the “effect of personal and group experiences on perceptions,” and the “relationships of the individual and groups to institutions and cultural traditions.” Blocking access to websites that address these topics from an LGBT-supportive point of view prevents students from exploring these issues in a comprehensive manner.

69. Blocking LGBT-supportive websites also prevents LGBT students from accessing web-based resources designed to assist them with the difficult issues of coming out to family members, integrating their sexuality and religious faith, dealing with the threat of bullying, and surviving high school as an LGBT person.

70. Many students and young people, particularly in rural areas, do not have the ability to join groups for LGBT and allied individuals. They may not feel comfortable checking materials out of libraries where they are known to staff. They may not feel safe speaking about issues of sexuality and gender identity by telephone. Being able to access websites where they can read information, send messages privately, and post questions or comments on blogs is particularly important to this group.

71. The District's Internet filtering software violates Plaintiffs' free speech rights under the United States and Missouri Constitutions.

72. The First and Fourteenth Amendments to the United States Constitution protect individual rights of freedom of speech and expression, which includes, among other things, the right to be free from government-sponsored viewpoint discrimination.

73. The Constitution of the State of Missouri provides "[t]hat no law shall be passed impairing the freedom of speech, no matter by what means communicated: that every person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject," V.A.M.S. Const. Art. 1, § 8.

COUNT I

Against Camdenton R-III School District And Defendant Timothy E. Hadfield in His Official Capacity

Civil Action for Deprivation of Constitutional Rights Pursuant to 42 U.S.C. § 1983

74. Plaintiffs reincorporate the allegations of paragraphs 1-73 as this paragraph 74.

75. Defendant Timothy E. Hadfield had final policymaking authority for the District with respect to its Internet filtering and was delegated power to exercise policymaking authority on behalf of the Camdenton R-III Board of Education.

76. By using URL Blacklist's "sexuality" filter to block web content, and by refusing to stop using the "sexuality" filter, Defendant Hadfield acted pursuant to a policy, custom, or practice of the District.

77. Defendants' Internet filtering policies, customs, and practices violate Plaintiffs' free speech rights as guaranteed to them under the First Amendment of the United States Constitution, which is made applicable to the states through the Fourteenth Amendment, by censoring their speech in a manner that is not viewpoint-neutral, reasonable, or consistent with the traditional role of school libraries.

78. Pursuant to 42 U.S.C. § 1983, Defendant Hadfield and the District are liable for, under color of state law, using the viewpoint-discriminatory "sexuality" filter in violation of Plaintiffs' free-speech rights under the First Amendment.

79. Unless restrained by this Court, Defendants will continue to violate the First Amendment rights of Plaintiffs.

80. Plaintiffs have no adequate remedy at law for this continuing violation of their federal constitutional rights.

COUNT II

Against Camdenton R-III School District And Defendant Timothy E. Hadfield in His Official Capacity

Violation of the Bill of Rights of the Missouri Constitution, Art. 1, § 8

81. Plaintiffs reincorporate the allegations of paragraphs 1-80 as this paragraph 81.

82. Defendants' Internet filtering policies, customs, and practices violate Plaintiffs' free speech rights as guaranteed to them under Article 1, § 8 of the Constitution of 1945 of the State of Missouri by censoring their speech in a manner that is not viewpoint-neutral, reasonable, or consistent with the traditional role of school libraries.

83. Unless restrained by this court, Defendants will continue to violate Plaintiffs' rights under the Constitution of 1945 of the State of Missouri.

84. Plaintiffs have no adequate remedy at law for this continuing violation of their Missouri constitutional rights.

COUNT III

Against Defendant Timothy E. Hadfield in His Personal Capacity

Civil Action for Deprivation of Constitutional Rights Pursuant to 42 U.S.C. § 1983

85. Plaintiffs reincorporate the allegations of paragraphs 1-84 as this paragraph 85.

86. Defendant Hadfield is individually liable because his conduct violates clearly established constitutional rights of which a reasonable person would have known.

87. It is clearly established as a matter of constitutional law that school officials may not selectively censor private speech on the basis of its viewpoint.

88. A reasonable person would know the clearly established rule referred to in ¶ 87.

89. In addition, or in the alternate, a reasonable superintendent would know the clearly established rule referred to in ¶ 87.

90. In fact, the ACLU informed Defendant Hadfield of the clearly established rule referred to in ¶ 87 by letter dated May 24, 2011. Despite being informed of this clearly established rule, Defendant Hadfield has not taken action to discontinue the District's use of Internet filtering software that selectively censors speech on the basis of its viewpoint.

PRAYER FOR RELIEF

WHEREFORE, for the reasons stated above, Plaintiffs request that the Court enter judgment in their favor, and against all Defendants, for full relief, including the following:

1. An injunction prohibiting Defendants from continuing to use Internet filtering software that blocks access to LGBT-supportive viewpoints while permitting access to anti-LGBT viewpoints;
2. Declaratory judgment finding that Defendants' actions violate Plaintiffs' free speech rights under the United States Constitution, as applied to the state through the Fourteenth Amendment, and the Missouri Constitution;
3. Nominal damages for the violation of Plaintiffs' constitutional rights;
4. Plaintiffs' costs and attorneys' fees herein pursuant to 42 U.S.C. § 1988; and
5. Such other relief as the Court deems just and appropriate under the circumstances.

Respectfully Submitted,

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** Pro Hac Vice Motion to Follow*

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