



# The Cost of Silence

Lambda Legal Executive Director **Kevin Cathcart** speaks with **Richard Cohen**, President of the Southern Poverty Law Center (SPLC), about youth suicides and SPLC's new documentary *Bullied*, featuring Lambda Legal plaintiff Jamie Nabozny.

**KEVIN CATHCART:** There are a couple of trends that have made it much harder for young people in schools today. One is that LGBT people are coming out earlier and earlier. That means kids are coming out in environments where they're surrounded by people who are perhaps less mature, and where everybody ends up more vulnerable. And the overall visibility of LGBT people today cannot be ignored. So if someone seems gay, people are more likely to think that they are.

**COHEN:** And after we achieve this great victory with *Lawrence v. Texas*, it's not a big surprise that there's a backlash.

Our "Teaching Tolerance" project was founded almost 20 years ago because we were concerned about hate groups and hate crime. We knew that part of the answer was to try to talk to children while they were young, talk to them in schools, give teachers classroom materials that

they could use to help us build a better democracy. We have always addressed LGBT issues in our magazine and in our classroom materials. But where we have gotten the most pushback from teachers and administrators has been on gay and lesbian issues.

More than a year ago we decided to do a film that addressed some of these topics.

It just so happened that when we finished the film, there was this incredible rash of publicity about gay teen suicides. Our timing was unfortunately quite good.

**CATHCART:** One of the things that has always been a mystery to me, in all our schools work—from the Nabozny case to the Pratt case that we're doing today—is that I don't understand the role of teachers and administrators in schools where bullying and violence is rampant. I know a lot of teachers. Nobody I know went into teaching in order to watch kids be tortured. And they also say to me when I ask, "This doesn't happen in my school." It never seems to happen anywhere until it's in the newspapers. There seems to be

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a baseline notion that there are no gay students. And that allows harassment and violence to happen, and good people don't intervene, and policies aren't developed.

**COHEN:** I think that many teachers and school administrators are uncomfortable with this issue, and they'd rather not talk about it. They don't know exactly what to say. Maybe their school district hasn't taken a firm position. Society hasn't taken as clear a position as it should. So they are just not well equipped to deal with it, and sometimes it just gets ignored.

**CATHCART:** I am curious. How did you find Jamie Nabozny? How did you decide to do the film about his case?

**COHEN:** We chose a legal case because we wanted to put it in a justice framework. We looked at several cases, but Jamie's was the most compelling. In some ways, it was the *Brown v. Board of Education* of antigay bullying, because it was the first landmark case. Jamie's also very articulate. He's an excellent storyteller. And former Lambda Legal attorney David Buckel in some sense is the real star of the film. He speaks so eloquently and powerfully about Jamie's case. It's a great story, a triumphant story.

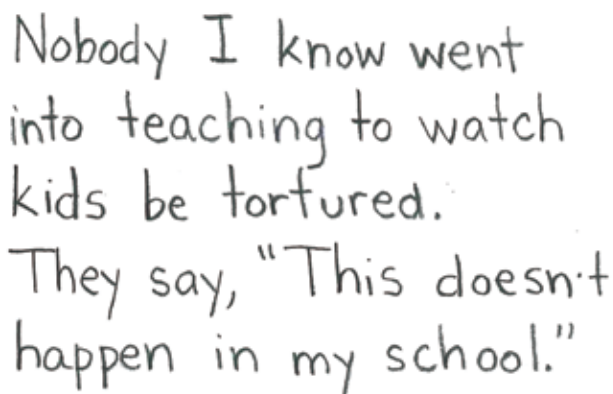
**CATHCART:** Jamie's case was enormously significant. There had never been anything like it. And because the settlement was so big, close to \$1 million, it caught people's attention. The way we do our impact work is not to bring case after case and try to represent everybody who has something bad happen to him or her. Our goal is to take cases that will have an impact and stop the behavior. And this case got the attention of school administrators—and also insurers and their lawyers.

And yet at the same time, we couldn't be sitting here having this conversation today if this had been the complete success that we wanted it to be. We wouldn't be having a rash of suicides, so many of them seemingly based on bullying in schools that has gone unaddressed.

**COHEN:** I think a real encouraging development has been the fact that the federal government is stepping up to the plate on anti-LGBT bullying. I think we're seeing something very real now.

**CATHCART:** I agree. And I hope that over the coming months, we're going to see a real difference. The "It Gets Better" videos have gone viral beyond anybody's imagination.

**COHEN:** We had a showing of the film in Minneapolis, adjacent to the Anoka-Hennepin School District that in many ways is ground zero in the battle against antigay bullying. Seven students committed suicide in the last year, four of whom safe-school advocates say were LGBT students. The school district claims it has a policy that explicitly talks about antigay bullying. On the other hand, they continue to support this so-called neutrality policy when it comes to what they consider curricular matters. Students and teachers have to be neutral on issues of sexual orientation, they say. But when you look at the examples that the school district has given to school administrators, what they really mean is, don't say anything in support of LGBT rights. And they're quite explicit about it. So the policy is neutral in theory, one-sided in fact, and of course, quite dangerous in practice. You know, Elie Wiesel said, "We must always take sides. Neutrality helps the oppressor, never the victim." We talk about stopping antigay bullying, yet we are fearful of saying anything that would seem to be supportive of the LGBT community because we're feeling pressure from the radical right.



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We issued a report of the hard-line antigay movement in our country to coincide with the release of the FBI statistics on hate crimes. One of the elements of our report is an examination of 14 years' worth of FBI data. It shows that the gay and lesbian community is far more likely than any other community to be victimized by hate crimes—twice as likely, for example, as African Americans or Jews. So this violence and harassment of gays and lesbians isn't confined to schools; it's something that exists across our country. Our society as a whole is a place where gay and lesbian people are vilified or marginalized in many ways. It's important to focus on the schools, because they are our future, and we have a duty to protect kids, but we have a lot of problems in society at large.

**CATHCART:** When politicians debate in Congress about whether or not it will destroy the military to have gay people there, or when

religious leaders talk about sin, and the schools respond by saying let's be "neutral"—there really should be no surprise that teens, who don't have any other power in the world, take these messages that they get from society and use their fists—or their computers.

**COHEN:** The hate movement in America is a barometer of unrest in society. Hate group activity has increased tremendously in the last decade. And that's fueled by and large by a backlash to the changing demographics of our country and the focus on undocumented persons and illegal immigration. There is no question that our diversity is an incredible source of strength, but we'd be Pollyannas to think that these changes are going to occur without some turmoil.

**CATHCART:** I agree with you completely. I think it's not just the demographic changes and the recession, but also the rising rates of income inequality in this country. Many people feel trapped in an economy that has no place for them. And sometimes it drives them to destructive behavior.

**COHEN:** I actually have more optimism on the issue of LGBT rights. There is a growing acceptance. It's the first time we have seen a majority of Americans favoring marriage rights for same-sex couples.

**CATHCART:** I am still very optimistic about the course of the LGBT rights movement. Despite many challenges, we continue to make progress. But I also think that the movement that I am so much a part of has not figured out how to make it work for all LGBT people, in all settings. How do you reach LGBT immigrants who are worried about their status and distrustful of mainstream authority figures and the law? If the penalty for reporting hate crimes is getting kicked out of the country, how can you be a plaintiff in a lawsuit? We're winning, and yet we need to figure out how to spread those victories more evenly across broader ranges of people, gay and straight. 