

# What's Wrong With This Shirt?

**MAVERICK COUCH'S PRINCIPAL BANNED HIM FROM WEARING IT. THEN LAMBDA LEGAL HELPED THE OHIO TEENAGER MAKE HIS HIGH SCHOOL ACCOUNTABLE FOR VIOLATING HIS RIGHTS.**  
BY SALLY CHEW



**ON THE MORNING OF APRIL 15, 2011, MAVERICK COUCH** dressed for school in a bright white T-shirt decorated with a rainbow Ichthys, or “sign of the fish,” and the slogan “Jesus Is Not a Homophobe.” A friend had given him the homemade shirt the year before, but he’d never had the nerve to wear it in the hallways of Waynesville High School—never been ready to so openly protest the anti-gay harassment he’d endured for years: “People would call me ‘faggot,’ and say rude sexual things to me,” Couch explains.

But April 15th was GLSEN’s National Day of Silence, and Couch knew that thousands of his peers around the country would be participating in the annual event, hanging posters and calling attention to schoolroom bullying by keeping their own lips zipped right through a whole day of classes. So on went the T-shirt and out the door marched the spry, handsome 16-year-old, defiant but mute.

It turns out Couch was the only one among Waynesville High’s 500 students to participate in the Day of Silence, and the school’s principal, Randy Gebhardt, called Couch into his office and instructed him to turn the shirt inside out: “He told me that the shirt was disruptive to students in school,” recalls Couch. “Since I could not talk, I had to do what he said.” Couch tried again the next day—and this time was told to remove the shirt or face suspension.

In the summer of 2011, Couch looked into his rights under the First Amendment of the U.S. Constitution, and when school resumed, he asked Gebhardt directly if it was alright for him to wear the T-shirt to school. The principal said no—and again threatened suspension. That’s when Lambda Legal wrote a letter in protest.

Lambda Legal protests many such school incidents every year, and letters are often followed by an apology and a policy adjustment to bring the school in line with the law. The First Amendment is pretty clear; as for its dominion in schools, the U.S. Supreme Court famously ruled in 1969 that “students and teachers do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

School officials did not think that was the case at Waynesville. After receiving the letter, the school continued to hold firm about Couch and the T-shirt, arguing among other things that the T-shirt was “sexual in nature.” Christopher Clark, Lambda Legal senior staff attorney, marvels at the school’s explanation and its by-then-evident commitment to going to court: “It’s a ridiculous excuse that the shirt is ‘sexual in nature.’ It’s not factual and not a type of defense that the law recognizes.”

So on April 3, Lambda Legal sued the high school and the Wayne Local School District on Couch’s behalf. There was a slight reprieve the next day when the school district agreed to allow Couch to wear the T-shirt for the duration of this year’s Day of Silence on April 20, 2012—which he did, with nearly a dozen other friends who joined him in wearing LGBTQ-affirming T-shirts.

On May 21, the U.S. District Court for the Southern District of Ohio signed a judgment order in favor of Maverick, affirming his right to wear the shirt on any day he chooses and awarding \$20,000 for damages, costs and fees for private co-counsel.

“I just wanted to wear my shirt,” Couch says. “The shirt is a statement of pride, and I hope other students like me know that they can be proud, too.” **L**



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