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Court Rules School's "Anti-Gang" Policies Too Vague to Enforce

An African-American honor student - who was nearly kicked out of school and falsely branded with a "gang" label - was vindicated today when a federal judge ruled that the school "gang clothing" policies were unconstitutionally vague. "The court's decision underscores the important principle that people can not be the punished without prior warning and fair notice," said ACLU attorney Beth Littrell. "Since students don't relinquish their civil rights on school grounds, school officials can't punish them for violating ambiguous or unpublished rules that prohibit red shirts one day and blue pants another, which is precisely what happened here."

Marlyn Tillman approached the ACLU after school officials at Brookwood High School in Gwinnett County repeatedly punished her son after finding the honor student guilty of "gang-related activity" based solely on suspicions about the color and/or style of his clothing. Believing the policies unconstitutional and the actions racially motivated, Ms. Tillman and her son filed the lawsuit in April

of last year after school officials refused to expunge the harmful gang references from the college-bound student's records or fix their flawed policies.

“While I would have preferred for this not to reach the level that it did; I am very pleased that the courts weighed in on the side of students’ constitutional rights,” said Ms. Tillman. “ This ruling will be instrumental in motivating the school system to devise rules that kids can easily understand and follow. The kids’ focus can now be back on education, as it should be.”

Federal district court Judge Beverly Martin agreed with the ACLU that the policies are “fatally vague” as a matter of law because the defendants “failed to define the ‘gang related activity,’ ‘gang words,’ and ‘gang symbols’ it wished students to avoid.” Portions of the dress codes were enjoined and the case will proceed to trial to determine damages and relief.

“Now, all students at Gwinnett schools, especially our client and other students who have been unfairly targeted, can concentrate on learning instead of wondering what color or style of clothing might get them arbitrarily suspended or expelled from school, ” said ACLU co-operating attorney Kesler Roberts.

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