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JOE COOK  
EXECUTIVE DIRECTOR

March 2, 2006

Denham Springs High School  
1000 North Range Ave.  
Denham Springs, LA 70726

Attn: Principal Harold Wax  
Via: Certified Mail No. 70041350000557280294  
Re: Open Letter re Same Sex Couples at Prom

Dear Principal Wax:

We have learned that officials of Denham Springs High School have told students that couples of the same sex may not attend your 2006 prom. It is our understanding that an announcement was made over the school public address system that same sex couples cannot attend prom and homecoming dances. I am writing to determine whether this is your official policy. If it is, you should understand that such a rule violates the constitutional rights of gay and lesbian students and must be revoked immediately.

Any policy specifically excluding same-sex couples from the prom, as well as any policy adopted as a pretext for such discrimination, violates the rights to free expression and association guaranteed by the First Amendment to the United States Constitution. This was the conclusion of a federal court in *Fricke v. Lynch*, a 1980 case in which a gay high school senior successfully challenged the school's ban on same-sex couples at prom. *Fricke v. Lynch*, 491 F. Supp. 381 (D.R.I. 1980).

More recently, the U.S. Supreme Court ruled that a policy based on nothing more than animosity or prejudice toward gays and lesbians violates the equal protection clause of the Fourteenth Amendment. *Romer v. Evans*, 517 U.S. 620 (1996).

Please contact me and let me know that your students will be able to attend prom with their chosen dates, and that Denham Springs High School will not interfere. Because the date of the prom is rapidly approaching, please notify me of your decision no later than March 10, 2006. Thank you in advance for your prompt attention to this matter, and I look forward to hearing from you.

Sincerely,

Katie Schwartzmann  
Staff Attorney\*  
\*Licensed in Tennessee Only