



Written by [R. Cort Kirkwood](#) on September 18, 2011

## Fla. Teacher Reassigned for “Homophobic” Remarks Is Back in Class

Jerry Buell, the top gun teacher in Florida reassigned because he stated that homosexual behavior is unhealthy and sinful, is back in the classroom after missing the first three days of school.

The *Orlando Sentinel* [reports](#) that Buell, who posted what school officials viewed as “homophobic” comments on his Facebook page, began teaching social studies again in late August at [Mount Dora High School](#) in Lake County.



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Such was the outrage about the school’s intimidation of Buell that even the leftist [American Civil Liberties Union sided with him](#). A conservative group, [Liberty Counsel](#), also took up his cause.

### What He Said

The [trouble began](#) for the 2010 Teacher of the Year as he saw on television the news about [New York’s legalization](#) of homosexual marriage and [posted](#) his thoughts on his Facebook page:

I’m watching the news, eating dinner when the story about New York okaying same-sex unions came on and I almost threw up.

And now they showed two guys kissing after their announcement. If they want to call it a union, go ahead. But don’t insult a man and woman’s marriage by throwing it in the same cesspool of whatever. God will not be mocked.

When did this sin become acceptable?

A few minutes later, he unbosomed another riposte, this time citing one of the apostle Paul’s New Testament books:

By the way, if one doesn’t like the most recently posted opinion based on biblical principles and God’s laws, then go ahead and unfriend me. I’ll miss you like I miss my kidney stone from 1994. And I will never accept it because God will never accept it. [Romans chapter one](#).

It didn’t take long for the opposition to begin.

Buell had 700 friends on Facebook, and one or several of them, or someone else who learned of his remarks, reported him to the Lake County school system.

[The schools claimed](#) that Buell trespassed their policy on using social media, which includes [the following warnings](#) about what teachers may or may not say online:



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If you post information or comments that are not related to the District, your activities may still result in professional and/or personal repercussions. Such actions include, but are not limited to:

Posting as a citizen about a non-job related matter of public concern (elections, environmental issues, etc.) and making comments that negatively affect the district's effectiveness or efficiency or otherwise disrupt the workplace.

Posting or blogging about personal subjects (i.e. dating, romance, drug or alcohol use). Your blog or web page should not contain any references to sexual subjects or contain vulgar or profane language or graphics. If your blog or web page was a movie, it should be rated "G".

If you identify yourself as a District employee, your actions will reflect not only on you but on the District as well. In this case, you must state that you are expressing your own opinion, not that of the District. Readers may still associate you with the District, even with the disclaimer that your views are your own.

In its article about Buell's reinstatement, the [Sentinel reported](#) that he may have trespassed the state's [ethics policy](#) which requires educators to respect the "worth and dignity of every person."

### **School System Reacts**

The school system, worried about the "homophobe" in its employ, acted swiftly, [reassigning Buell](#) to a desk job. School officials claimed that his comments, given their wide distribution, could not be considered private.

Buell disagreed, Fox Radio's [Todd Starnes reported](#) when the teacher was exiled.

"It was my own personal comment on my own personal time on my own personal computer in my own personal house, exercising what I believed as a social studies teacher to be my First Amendment rights," [he told](#) Starnes, adding,

To try and say you could lose your job over speaking about something in the venue that I did in the manner that I did is not just a knee-jerk reaction. It's a violent reaction to one person making a complaint.

[Buell told](#) the *Orlando Sentinel* that he was merely expressing his religious beliefs: "It wasn't out of hatred. It was about the way I interpret things."

Buell quickly sought the help of Liberty Counsel. His lawyer from Liberty, [Horatio Mihet, told](#) Starnes that "the school district is being anti-straight, anti-First Amendment and anti-personal liberty." He continued,

The idea that public servants have to wholeheartedly endorse homosexual marriage is repugnant to the First Amendment of the U.S. Constitution. All he did was speak out on an issue of national importance and because his comments did not fit a particular mold, he is now being investigated and could possibly lose his job. What have we come to?

These are not fringe ideas that Mr. Buell espoused on his personal Facebook page. They are mainstream textbook opposition to homosexual unions — and now he's been deemed unfit to teach children because he opposes gay marriage? My goodness.

The question was whether schools have the power to limit free speech. Some lawyers said schools can; others, such as Mihet, said that power is limited.



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## **Buell Reinstated**

By late August, the school system was ready to throw in the towel, knowing it was about to get caught in a legal hurricane.

[According to](#) the *Sentinel*, Buell met with the county school chief “before her decision was announced. A ‘written directive’ was placed in his file, said school district spokesman Chris Patton.”

Patton would not elaborate on the directive, or say if Buell had been reprimanded. That information will be available in 10 days.

Mihet and Liberty Council declared victory. “This is a great day for the Constitution,” [Mihet observed](#), explaining,

By fully exonerating Mr. Buell, the Lake County School Board has reaffirmed what the rest of Americans already knew. The First Amendment protects the right of public servants to express their personal opinion without any fear or intimidation. It is a shame that Mr. Buell had to miss three days of teaching for his employer to learn this lesson.

As for the ACLU, [it said](#) the schools trespassed Buell’s free speech rights.

“Given our belief that Mr. Buell’s off-campus Facebook post, though offensive, was protected by the First Amendment, we are satisfied to see that the school board has taken no further disciplinary action,” the group said.

The ACLU believes that the response to offensive speech is not the restriction of speech, but more speech, which is why the ACLU has created programs like the “Don’t Filter Me” project to ensure that public schools aren’t illegally denying students access to positive, affirming information about LGBT issues.

Mr. Buell’s Facebook comments, though protected, highlight that work still needs to be done to help people understand why LGBT equality is so important. The ACLU will continue working hard to make sure public schools are safe for all students, including LGBT students, in Florida and in communities across the country.

Buell apparently is unrepentant. The [Sentinel reported](#) that his webpage at the school says he tries “teach and lead my students as if [Lake Co. Schools](#) had hired Jesus Christ himself.”

But now his page [is blank](#) except for a calendar.

The paper [reported](#) that the syllabus for his class says, “I teach God’s truth[;] I make very few compromises. If you believe you may have a problem with that, get your schedule changed, ‘cause I ain’t changing!” Buell also considers the classroom his “mission field.”

Buell said he did the right thing in not backing down, the [Sentinel noted](#). “If I did not stand up for my rights after telling my students to stand up for their rights then I would be a hypocrite,” he told the newspaper. “It’s been a lesson. It’s been a heck of a lesson.”

*Photo: Jerry Buell*



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