



Written by [Bob Adelman](#) on August 22, 2023

Left-wing Judge Tosses “Two-gender” T-shirt Complaint

The judge who [tossed the complaint](#) filed by a public-interest law firm over whether middle-school student Liam Morrison could wear a controversial t-shirt at school used reasoning that could only have come from her far-left legal training.

Indira Talwani, a U.S. District Judge of the U.S. District Court for the District of Massachusetts, graduated from Radcliffe College with a Bachelor of Arts degree in 1982 and then her Juris Doctorate from the University of California Berkeley School of Law in 1988. She was nominated to her present position by former President Barack Obama back in 2013.



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To appreciate her upside-down view of the world, one must review briefly the history behind the lawsuit brought by the Alliance Defending Freedom (ADF) and the conservative Massachusetts Family Institute (MFI) against Nichols Middle School in Middleborough, Massachusetts.

Earlier this year, 10-year-old Liam Morrison asked his father to purchase a t-shirt that caught his attention. It said, “There are only two genders.” He wore it to school, and that’s when the fun began. Based on some unknown and unrevealed complaints that the shirt made some students “feel unsafe” and “targeted,” the school took Morrison out of gym class and told him to remove the shirt.

He refused. His father, fully supportive, came to the school and took Liam home.

That’s when MFI got involved. It wrote a nice, pleasant letter to the school administrators reviewing the law, the First Amendment, and especially something called the “Tinker test.” That “test” had been applied numerous times in similar cases, allowing such behavior by school officials only when they “forecast substantial disruption of or material interference with school activities” by a student’s actions.

All MFI and Liam wanted was to enjoy the freedom to wear a t-shirt that expressed his opinion guaranteed under the First Amendment, just like the other students in his class were expressing their opinions on gender issues.

They told school officials that Liam would attend school on May 5 with the same, or similar slogan, on a t-shirt.

On May 4 Liam, his father, and the MFI lawyers were no doubt surprised and dismayed when they learned that the district had hired a Boston law firm to defend their actions.

On Friday, May 5, Liam showed up at school, wearing a t-shirt that this time said, “There are censored genders.” Liam was told to remove the shirt or be removed from school.

He removed the offending t-shirt, and ADF lawyers filed suit.

In June, Judge Talwani ruled in favor of the school. Here is some of her reasoning:



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School administrators were well within their discretion to conclude that the statement “THERE ARE ONLY TWO GENDERS” may communicate that only two gender identities — male and female — are valid, and any others are invalid or nonexistent, and to conclude that students who identify differently, whether they do so openly or not, have a right to attend school without being confronted by messages attacking their identities.

She added:

The original message of the shirt was not protected speech.... The shirt did not merely protest censorship but conveyed the “censored” message and thus invaded the rights of the other students.

This is utter and complete nonsense, and Logan Spena, legal counsel for ADF, made that clear:

This isn’t about a T-shirt; this is about a public school telling a middle-schooler that he isn’t allowed to express a view that differs from the school’s orthodoxy.

Public school officials can’t force Liam to remove a shirt that states his position when the school lets every other student wear clothing that speaks on the same issue.

Their choice to double-down and silence him when he tried to protest their censorship is a gross violation of the First Amendment that we’re urging the 1st Circuit to rectify.

ADF and MFI filed that appeal last week, where it is hoped that more common sense reigns when the three-judge panel hears the case of the 10-year-old-student being denied his rights, even if his opinions don’t conform to those being enforced at his school.

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