



Written by [Michael Tennant](#) on December 14, 2025

Letitia James Sued for Threatening School Boards That Permit Free Speech on LGBT Issues

A coalition of school-board members and parents is suing New York Attorney General [Letitia James](#) and other state officials over their threats to remove school-board members who express or allow parents to express viewpoints at odds with those of the LGBT lobby.

Represented by the Southeastern Legal Foundation (SLF), the plaintiffs are asking a federal court to strike down the threatening “guidance” as an unconstitutional infringement on their free-speech rights.



AP Images
Letitia James

Board Bulletin

On May 8, James and state Education Commissioner Betty Rosa sent a [guidance letter](#) to school boards across the Empire State warning them of the dire consequences of allowing unfettered speech on transgender issues at their meetings.

The two advised boards that, during their meetings, they have a duty to prohibit “all comments on a particular topic that would have discriminatory, harassing, or bullying effects.” Furthermore, “purely ideological statements opposing students’ rights ... are an unproductive diversion from boards’ important work.”

Specifically,

school boards should not entertain baseless allegations that transgender students’ identities and experiences are illegitimate, or that their mere presence in school spaces and participation in school activities is [sic] harmful to other students. Nor should boards allow individuals to intentionally misgender district students [i.e., refer to them with accurate rather than “preferred” pronouns].

“Boards of education that permit harassing and stigmatizing comments about LGBTQ+ students in public meetings,” the letter cautions, “may expose districts to liability under [state] law,” especially if their “acts or omissions lead to the bullying or harassment of LGBTQ+ students.”

On top of that, declared James and Rosa, the commissioner of education or boards themselves may remove board members whom they deem to have “willfully permitt[ed] the harassment of” LGBTQ+ students or “condone[d] discriminatory or harassing comments about” such students.

Epistle Missile

The [lawsuit](#), filed Tuesday in the U.S. District Court for the Northern District of New York, summarizes the letter thus:



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In other words, the Attorney General and Commissioner of Education ... require school board members across New York to self-censor and shut down parent speech that advocates for their core values and for children's privacy, safety, and opportunity. If school board members and parents disagree with Defendants' viewpoint, they cannot speak. If they do speak, school board members risk being removed from their elected offices, and school board members and parents alike risk being publicly and falsely branded a bully and harasser of children.

Students, too, are muzzled under these conditions. In a [press release](#), SLF President Kim Hermann pointed out that plaintiff Kerry Wachter, the Massapequa School Board president,

has allowed Massapequa High School students to speak up and express their fears and discomforts with biological males changing in their girls['] locker room, even when there is a gender neutral locker room available at the school that the student does not use. Because she has allowed these students to speak about their experiences, which they said often distract them from learning throughout the school day, she now faces forced removal from her elected position to the school board because of the anti-free speech actions and policies of the State of New York.

Trans (Activist) Phobia

Wachter's fears are well-founded. According to the complaint, "Wachter was accused of 'misgendering' an individual speaker at a Massapequa Board meeting's public comment portion in the Fall of 2025." Moreover, the board is currently the defendant in a civil-rights [lawsuit](#) filed by Rosa and the New York Civil Liberties Union on behalf of a transgender student who, under a recently enacted policy, must now use the restroom corresponding to his biological sex.

Similarly, plaintiff Danielle Ciampino, a member of the Rotterdam-Mohonasen School Board, witnessed "a local activist" try "to remove her colleague based on an alleged statement related to LGBTQ+ student organizations," says the suit against James. A complaint to the state Education Department led to a decision from Rosa that "admonished Ms. Ciampino's fellow board member." The member should feel fortunate that this occurred before May 8, or Rosa might have booted him from the board.

Although Wachter and Ciampino believe that gender cannot change and that boys do not belong in girls' restrooms and locker rooms, the lawsuit notes that their boards have entertained speakers on both sides of the debate. They aren't interested in silencing people who disagree with them; they just want to be able to speak their piece and let others do likewise. Indeed, as the complaint observes, board members are elected "to advance their beliefs and the beliefs of their communities in large part through their speech," yet the letter requires them to silence both themselves and their constituents if their beliefs conflict with the prevailing "transgender" orthodoxy.

Plaintiffs' Call

The plaintiffs request that the court find the guidance letter unconstitutional because it constitutes viewpoint discrimination against both school-board members and parents, prohibiting and punishing certain opinions while permitting others. In addition, it includes many vague terms such as "inflammatory," "attacks," "demeaning," and "stigmatizing." Its ban on "misgendering" amounts to



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compelled speech, forcing speakers to use pronouns they do not believe are appropriate. And it compels school boards “to ‘curate’ speech at board meetings such that only Defendants’ viewpoints are expressed,” creating “the false impression that all speakers agree with their message.”

“Letitia James’ policies ... not only [are] repressive but blatantly disregard the value of free speech for the citizens she represents,” asserted Hermann. They are also, she said, “anti-American and anti-constitutional.”





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