



Written by [R. Cort Kirkwood](#) on May 1, 2024

School Board Sued for Violating Speech Rights After Girls Protest Boy in Girls' Track Meet

The parents of four middle-school girls in West Virginia have sued the Mountain State's Harrison County Board of Education for banning them from competition after they protested against a "transgender girl" who competed in a girls' track and field meet.

They protested at the meet after a misguided federal court overturned the state's Save Women's Sports Act on behalf of the masquerading boy.

The parents argue that the girls did nothing wrong and did not disrupt the meet. As well, the lawsuit argues, the ban trespasses their rights to free speech under the U.S. and West Virginia Constitutions.



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The Ruling, the Meet, the Protest

The Lincoln Middle Schools girls ran head-on into the "transgender" juggernaut, which seeks to destroy women's sports, on April 18, thanks to a ruling from the U.S. Fourth Circuit Court of Appeals.

Two days earlier, relying on "transgender" propaganda — notably the [discredited pseudoscience](#) put forth by the disgraced World Professional Association of Transgender Health — [the court ruled](#) the boy could participate in girls' track and field. The boy calls himself "Becky."

That inspired five girls to protest, as the 14-page, two-count lawsuit against the Harrison County Board of Education observes.

The girls "stepped out of the shot put circle, forfeited, and refused to compete in protest of the court decision and the ongoing unfairness of permitting a biological male to compete in women's sporting events," the [plaintiffs argue](#):

[Their] protests were silent. They each stepped into the shot put circle, raised the shot put to their chins, and then stepped out of the shot put circle and handed the shot put to the official.

[Their] individual protests lasted approximately 10 seconds each and did not disrupt the track meet in any way.

[Their] protest did not affect any other competitors.

After the girls appeared at a news conference with Attorney General Patrick Morrissey, swimmer Riley Gaines, and several GOP legislators, the school banned them from competition, the lawsuit alleges.



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“To date, neither Plaintiffs nor their minor children have received any formal notification of their discipline, of any rule violation, or of their rights to appeal the school’s decision,” the [lawsuit says](#).

Citing the state and federal constitutions, the lawsuit’s first count argues that the girls “engaged in constitutionally protected speech and expression when they stepped out of the shot put circle, forfeited, and refused to compete in protest of a court decision and the ongoing unfairness of permitting a biological male to compete in women’s sporting events”:

[B]y choosing to discipline the minor student athletes by not permitting them to compete in future meets, [the county board of education] engaged in actions that would chill a person of ordinary firmness from continuing to engage in the constitutionally protected activity of speech and expression in protest of a court decision and the ongoing unfairness of permitting a biological male to compete in women’s sporting events.

If the court doesn’t grant an injunction to overturn the suspension from competition, the lawsuit continued, then the students’ free-speech rights will continue to be violated.

Count II of the lawsuit argues that school authorities violated the state’s rules that govern disciplining students.

The defendants “disciplined the minor student athletes without regard for the governing legislative rules, without regard for the student athletes’ rights to free speech and free expression, and without regard for the student athletes’ due process rights,” the [lawsuit alleges](#).

Amicus Brief

Morrisey is backing the students [with an amicus brief](#) and will appeal the federal court’s ruling to defend the state’s Save Women’s Sports law.

Morrisey vowed to “vigorously” defend the “reasonable law,” the [West Virginia Record reported](#).

“It’s based on biology, and it’s based on fairness,” he said. “We are working to defend the integrity of women’s sports. We must protect our young women.”

“This is a matter of being pro- fairness,” Gaines, the championship swimmer who is battling the invasion of women’s sports by men, said. “This is a matter of being pro-reality, pro- common sense, pro-safety, pro- transparency. It is a matter of being pro-woman.”

The former NCAA swimmer accuses the men who join women’s sports of cheating, an example being the Australian soccer squad with five “trans women” [that shellacked](#) a women’s team in a recent tourney.

Men who “identify” as women are increasingly dominating women’s sports, as Gaines found out when William Thomas, who calls himself Lia, was permitted to swim with women in NCAA competitions. [He eventually “won”](#) a Division I title.

Sports authorities have permitted the men — some of whom [are mentally ill](#), and some of whom get a thrill from pretending to be women — to invade [women’s cycling](#), [weightlifting](#), and, as with the West Virginia case, [track and field](#).

Even women’s darts aren’t safe from the predatory men.



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