



Written by [Raven Clabough](#) on November 4, 2020

Lawsuit Filed Against MS School District for Stopping Third Grader From Wearing “Jesus Loves Me” Mask

A lawsuit has been filed against the Simpson County School District in Mississippi citing First and 14th Amendment violations after a third-grade student was prohibited from wearing a face mask with the message “Jesus Loves Me” on it.

On October 13, Lydia Booth was asked to remove her Christian mask and replace it with another, [Life News reports](#). Two days later, the school administrations announced a policy of prohibiting all masks with messages that are deemed “political, religious, sexual or inappropriate symbols, gestures or statements that may be offensive, disruptive or deemed distracting to the school environment.”



Photo: Screenshot from lifenews.com

The lawsuit asserts the policies were only changed after Booth had been reprimanded for wearing her mask to school and that the policies were retroactively changed to justify the incident.

Booth’s mother, Jennifer, contacted both the school and the district office multiple times on October 13 and October 14 to assert the school handbook had no policy prohibiting her daughter’s exercise of religious expression and that her speech should be protected by the Mississippi Student Religious Freedom Act and the First Amendment. At 1:44 p.m. on October 14, Booth e-mailed Assistant Superintendent Robert Sanders for answers. At 2:56 p.m., Sanders called Booth to explain the restrictions were not actually within the school’s handbook but part of the school district’s response to COVID-19. Sanders claimed the July 23 mask policy that required students and personnel to wear masks included a ban on religious masks. Booth asked Sanders why the mask policy would include language that is not found in the school handbook policies on appropriate dress and how a religious message on a mask is different than that found on a t-shirt. Sanders responded it was because masks are “right in your face.” Sanders then e-mailed Booth the mask policy for her review at 3:14 p.m. on October 14.

But online metadata reveals the mask policy was surreptitiously modified at 2:41 p.m. on October 14, just 30 minutes before Sanders e-mailed her the policy. The only change between the original policy posted on July 23 and the one Sanders sent Booth was the insertion of the prohibition of religious masks.

On October 15, Superintendent Greg Paes formally announced the ban on all masks with religious, political, or inappropriate messages or symbols.

Alliance Defending Freedom has filed a [federal lawsuit](#) on Monday on behalf of Booth and her parents asking the court to issue an injunction against the policy and asking the court to declare the policy “unconstitutional.”



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“Public schools have a duty to respect the free expression of students that the First Amendment guarantees to them,” [said ADF Legal Counsel Michael Ross](#). “While school administrators face challenges in helping students navigate school life during a pandemic, those officials simply can’t suspend the First Amendment or arbitrarily pick and choose the messages that students can or can’t express. Other students within the school district have freely worn masks with the logos of local sports teams or even the words ‘Black Lives Matter.’ This student deserves an equal opportunity to peacefully express her beliefs.”

This “censorship” that exempts “masks and shirts with secular messages is viewpoint discrimination,” the lawsuit argues.

The ADF also notes that the pandemic cannot continue to be used as an excuse to trample on constitutional freedoms.

The ADF contends the importance of intervening in these incidents, as they will prove to be invaluable lessons to a future generation of voters and citizens who should have a firm grasp of First Amendment-protected rights.

“No public school student should be singled out for peacefully sharing her religious beliefs with fellow students,” said ADF Senior Counsel Tyson Langhofer, director of the ADF Center for Academic Freedom. “Today’s students will be tomorrow’s legislators, judges, educators, and voters. That’s why it’s so important that public schools demonstrate the First Amendment values they are supposed to be teaching to students.”

In the meantime, Booth’s mother states the school’s response to her daughter’s mask has frightened her daughter into no longer wanting to wear her mask. The student now fears punishment, including detention and possible suspension.



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