



Written by [Michael Tennant](#) on October 2, 2024

Parents Sue School That Banished Them for Silently Protesting Boys in Girls' Sports

A group of New Hampshire parents is suing their local school district for barring them from school grounds after they wore pink wristbands to a girls' soccer game in protest of a transgender player on the visiting team.

Kyle Fellers, Anthony "Andy" Foote, and Eldon Rash were confronted by Bow High School officials, a local police officer, and a referee when they sported the wristbands, on which they had written "XX" to represent female chromosomes, during a September 17 match between the Bow and Plymouth Regional High School girls' varsity soccer teams. Afterward, the school superintendent issued "No Trespass" orders to Foote and Fellers, prohibiting them from setting foot on school grounds.



eccolo74/iStock/Getty Images Plus

"Over fifty years ago ... the Supreme Court held that all Americans have the right to silently protest the Vietnam War by wearing a black armband to school," Institute for Free Speech (IFS) senior attorney Del Kolde said in a [press release](#). "Today, the political debate is different, and the wristbands are pink, instead of black, but the First Amendment protects our clients no less today than it did fifty years ago."

IFS attorneys plus local attorney Richard Lehmann filed the [lawsuit](#) on behalf of Fellers, Foote, Rash, and Foote's wife, Nicole, in federal district court Monday.

That same court bears some responsibility for the situation in which Fellers and company — all of them parents (or, in Rash's case, grandparents) of Bow girls' soccer players — find themselves. On September 10, Chief Judge Landya McCafferty [issued an injunction](#) against a new state law barring transgender athletes from girls' sports. One of the [plaintiffs](#) in that case, biological male Parker Tirrell, plays for the Plymouth girls' soccer team and was, therefore, expected to be on the field against Bow a week later.

Trouble A-Foote

A few days before the game, Nicole Foote met with Bow High School Athletic Director Mike Desilets to express her concerns about having a male athlete face off against females. According to the complaint, "Desilets told Nicole that the court decision prevented the school district from doing anything about the situation."

On September 16, Desilets emailed soccer families, warning them that, pursuant to school policy, "any inappropriate signs, references, language or anything else present at the game will not be tolerated." However, he added that "some differing opinions regarding tomorrow's game ... is [sic] perfectly fine."

What he failed to mention is that while holding "differing opinions" was acceptable, expressing them, no matter how civilly and unobtrusively, was not.



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At the game, Andy Foote distributed wristbands to several other spectators; upon his request, they did not put them on until the second half. For the first 10 minutes of the second half, both he and Fellers wore their wristbands but otherwise did nothing to attract attention or disrupt the game, their lawsuit claims.

Nevertheless, even this silent protest was too much for Desilets, who approached both men and ordered them to remove their wristbands. The men argued to no avail that they had a First Amendment right to protest on public property.

Andy Foote complied without raising too much of a ruckus.

Fellers, on the other hand, stood his ground, causing Desilets to call in Bow High School Principal Matt Fisk and Bow Police Lieutenant Phil Lamy. The complaint alleges that Lamy told Fellers “to either leave the game or remove the wristband” and that “the First Amendment did not apply as Fellers was on private property.” The “heated” confrontation ended when Fellers “finally removed his wristband.”

Rash, Fellers’ ex-father-in-law, took over wearing the wristband but was soon given the same ultimatum.

Biased Referee

According to the plaintiffs:

Steve Rossetti, the head referee, stopped play and told both teams to return to their benches. According to Rossetti, he stopped the game because the soccer players could overhear “you guys arguing” about “the First Amendment thing.” The game did not restart for about 15 minutes. Speaking to the spectators on the sidelines, Rossetti stated that Bow High School would forfeit the game (and thus be ineligible for the playoffs) if the wristbands were not all removed. Rossetti said that Rash had “no right to embarrass the kids” and that if he did not take the wristband off “the game is over.” Rash did take off the wristband and put it on his lap.

After the game, Rossetti encountered Fellers in the parking lot, where the latter was holding a sign reading “Protect Women’s Sports for Female Athletes.” Rossetti allegedly hurled obscenities at Fellers and “told him that his daughter would hate him.”

Within days, both Andy Foote and Fellers received their “No Trespass” orders. Both orders were in effect for limited periods, but the superintendent reserved the right to extend them.

Plaintiffs’ Plea

“Plaintiffs find it frustrating and degrading to have their viewpoints, and even presence, prohibited by Bow School District, especially when they see other spectators being allowed to promote their viewpoints and opinions at school events,” says their lawsuit.

They are asking the court to enjoin the district from continuing its “unconstitutional viewpoint discrimination.”

“The idea that I would be censored and threatened with removal from a public event for standing by my convictions is not just a personal affront — it is an infringement on the very rights I swore to defend,” said Andy Foote, a 31-year Army veteran. “I sometimes wonder if I should have been here, fighting for our rights, rather than overseas.”



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