

'guest commentary'

by Ed Madden, Columbia, S.C.

S.C. House: Some teens are more equal than others

We are all equal, but some of us are more equal than others.

That's the fundamental assertion of inequality at the heart of that classic novel "Animal Farm," by George Orwell. "All animals are equal," the pigs declare, "but some animals are more equal than others." So the pigs, who control the government, proclaim the equality of all citizens. At the same time they explicitly recognize — and create policies that support — the power and privilege of one particular group of animals (the pigs themselves).

When I was growing up, "Animal Farm" was one of those standard texts all high school students had to read. Perhaps it still is.

But the South Carolina House of Representatives has decided to offer a more direct lesson in inequality for South Carolina teenagers.

House Bill 3543 proclaims that "all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence." The bill is intended to help schools prevent dating violence among teenagers and to craft appropriate policies to address such violence.

Rep. Greg Delleney (R-Chester) proposed an amendment that excludes gay and lesbian students from the bill's prevention efforts. The original bill defined "dating partner" as a person, regardless of gender, involved in an inti-

mate relationship. The new language in the amended bill now defines "dating partner" as "a person involved in a heterosexual dating relationship with another."

The gender-neutral language of the original bill would have allowed schools to address dating violence as violence, in whatever way seemed appropriate. In fact, sexuality would have only been addressed, I imagine, where it was specifically part of the context.

Now, however, sexuality is the issue. Straight teens are targeted with education, policies, and prevention, and gay and lesbian teens are explicitly excluded from the same education, policies and prevention.

All teens deserve a safe and supportive environment, the bill begins, but only if they are in heterosexual relationships.

Rep. Joan Brady (R-Richland), the bill's primary sponsor, said she agreed with the amendment, since "most" dating violence occurs in girl-boy relationships.

The Department of Justice in 2000 reported that rates of intimate partner violence are lower in the Asian-American community than among White, African-American, Hispanic, Native American, or mixed race people. Would Rep. Brady be okay with excluding Asian-American teenagers from violence prevention, since statistics suggest that "most" dating violence occurs in other races?

If this bill passes, will each House member who supported the amendment be individually liable for the failure to provide equal protection to gay and lesbian students?

Title IX of the 1964 Civil Rights Act was modified in 1997 as a result of the 1996 federal court decision *Nabozny v. Podlesny*. The decision held a school liable for the failure to address the ongoing harassment and physical abuse of a gay teenager at school. Schools are required by federal law to provide equal protection to lesbian, gay, bisexual and transgender students. The judgment against the school for failing to provide equal protection for Jamie Nabozny was just under a million dollars. School administrators were held individually liable.

If a gay or lesbian teen suffers because the policies created by this bill fail to address his or her relationship — because the teen is explicitly excluded — can Rep. Delleney be held personally and financially liable?

Ray Drew, the executive director of South Carolina Equality, said, "Gay and lesbian teens experience dating violence, just like every other teen in the state," but he added that their needs are often more serious because they don't feel they can talk to parents, teachers,

counselors, or other adults about being gay.

This bill now makes that even more difficult.

The educational message of the General Assembly is all too clear: all students deserve safety from violence, but only heterosexual students should be included in policies addressing such violence. That is, all students deserve a safe school environment but some deserve it more than others. One group of students is more important than others. If you're a gay or lesbian kid, your relationship doesn't matter. You don't count.

According to Greg Delleney and the General Assembly — like the pigs in "Animal Farm" — all of us are equal, but some are more equal than others. ▀

— Ed Madden is president of SC Equality, a statewide organization devoted to advancing civil and human rights for gay, lesbian, bisexual and transgender South Carolinians. Madden is also the undergraduate director of Women's and Gender Studies at the University of South Carolina.

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