

DeerfieldReview

Lawsuit against District 113 rekindles debate on sexual tolerance

By Matt Kiefer

October 6, 2009

An old controversy over discussing homosexuality at Deerfield High School led to the recent defamation lawsuit filed against School District 113 employees last month.

In recent weeks, new court filings have brought to light a bitter and long-standing struggle between educators preaching sexual tolerance and conservative activists who deem homosexuality immoral.

Lora Sue Hauser, a vocal critic of the district and its teaching of such works as last year's "Angels in America: A Gay Fantasia on National Themes," filed a lawsuit in Cook County Court last month claiming Superintendent George Fornero and DHS technology director Andy Zakszeski spread rumors and false statements about her via e-mail.

The lawsuit includes e-mail exhibits where Fornero allegedly states Hauser's Deerfield home was foreclosed upon, that a picture of Adolf Hitler was later found inside the house, and that she belongs to a hate group. Zakszeski, according to the complaint, wrote a double-entendre involving Hauser and erotic acts.

Hauser has been at odds with District 113 administration since at least 2002, decrying Deerfield High School as "an oppressive environment for conservative children who have strong religious beliefs," and "a whole community of liberal, leftist, pro-homosexual activists ... a whole school full of them."

Having protested books, films, plays and programs offered at the school, Hauser once accused administrators of having "decided that all great literature choices have been exhausted so teachers need to start offering pornography to students." She called for teachers to be fired and prosecuted under obscenity laws.

As Hauser complained about school officials, they appear to have done likewise, according to court filings.

In one of the lawsuit's e-mail exhibits, a teacher who is not named as a defendant calls Hauser "hateful." Another e-mailer from outside the district, whose name is redacted, describes "Lora Sue and her posse" as "crazy, crazy people."

Many of the exhibits involve a single message from an unidentified sender who wrote about the foreclosure and picture of Hitler.

Between November 2008 and January 2009, e-mail records show Fornero forwarding the message 10 times to 16 different people -- mostly teachers, administrators and School Board members -- with comments such as "FYI," "Enjoy!" and "Check out this e-mail!"

Hauser claims her home was never foreclosed upon, that she did not own a picture of Hitler and is "of Jewish descent."

In reply to another e-mail, Fornero allegedly writes, "While I'd be sympathetic to most anyone having financial difficulties & hate to see him lose his house, this case is different. Perhaps had they spent more time working & paying the mortgage instead of attacking us, they'd still own their home. Also, don't forget they had a picture of Hitler in the basement closet!"

In another e-mail exhibit, dated May 2008, Fornero speculates on School Board politics, writing to an unidentified recipient: "Things have quieted down for now. However, we need to be alert this fall when it's time to slate Board of Education candidates. That would be terrible if one of Lora Sue's group is nominated. I'll keep you posted."

In an April 2009 e-mail exhibit, Fornero writes to an unidentified recipient who is planning to attend a diversity conference: "Be sure to sit in the hate group section. Maybe loira sue [sic] can bring her pic of hitler."

Allen Shoenberger, a law professor at Loyola University who teaches classes on Internet speech, said the District 113 case demonstrates that what people write or even forward can easily come back in a lawsuit.

"I don't think people are aware of how permanent e-mail is," Shoenberger said. "Anytime you send any e-mail, you might as well assume it will be on the front page of the newspaper, because it could be."

Based on the complaint alone, Shoenberger said some of Hauser's allegations could be construed as libel. The simplest test for the court would be to check if any damaging statements turned out to be untrue and easily verifiable, such as whether Hauser's home was ever under foreclosure.

It does not matter if the defendant made the statements himself or simply pressed the "forward" button.

"Anybody who republishes a defamatory statement is just as potentially liable as the person who originated it," Shoenberger said. "Just because someone is forwarding a statement someone else made doesn't exonerate them."

Attorney Nancy Krent, who is representing the employees, said she is confident she can put up a successful defense.

"I don't think any of these statements rise to the level of defamation," Krent said.

She noted the plaintiffs would likely have to prove her clients acted with reckless disregard to the truth, which can be a difficult claim to back up.

Krent added that the statements listed in the exhibits were “taken way out of context.”

Both Hauser and her lawyer did not return calls requesting comment by this article's deadline.

Hauser, who moved out of state last year, is seeking "in excess of" \$50,000 in damages from the school district.