



## Boston Agrees to Settle Lawsuit Alleging Retaliation Against Teacher for Testifying Against Funding of JROTC in Public Schools

**FOR IMMEDIATE RELEASE**

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**BOSTON** – Attorneys for the ACLU of Massachusetts and the Boston Teachers Union today announced the settlement of their lawsuit in federal court on behalf of long time substitute teacher Jeffrey Herman against Jose Duarte, the headmaster of Boston's English High School. Herman was put on a "Do Not Call" substitute teacher list for English High School after he testified at a Boston City Council hearing in opposition to the City spending over one million dollars for Junior Reserve Officer Training Corps (JROTC) programs in the Boston public schools. Duarte, a member of the U.S. military who has Reveille played over the school loudspeaker at the start of school each day, was angered by Herman's views and ordered him out of the school.

"I testified at City Hall that taxpayer dollars would be better spent on teaching kids how to stop the violence that is plaguing our city," said Herman. "After that, Duarte screamed at me to get out of his school. Since schools are supposed to teach respect for the Constitution, I believed Mr. Duarte needed a lesson himself," he said.

In settling the lawsuit, the City did not admit to any wrongdoing by the headmaster, but agreed to a monetary payment to Herman and his attorneys in exchange for Herman agreeing to the dismissal of his lawsuit. Herman, who has been outspoken about his criticisms of Duarte's leadership of the school in general, also agreed he would not return to substituting at English High School as long as Duarte is still headmaster there. The School Department has agreed that when Duarte is no longer the headmaster, Herman's name will be removed from the "Do Not Call" list for that high school. English High School is being restructured to become a Commonwealth Pilot School to avoid the label, "chronically underperforming."

"The Boston Teachers Union, which supported Jeff's right to speak out in this case, is pleased that the matter has been amicably resolved," said attorney Matthew Dwyer. "The union always takes seriously any infringement, actual or threatened, on the First Amendment rights of its members," he said.

Sarah Wunsch, ACLUM staff attorney, was also glad the case had been settled. "Teachers are entitled to political opinions just like everyone else. We need them to feel free to share those opinions with the public and elected officials, outside the school, without fear of losing their jobs for doing so," she said. "Especially with great public debate going on right now about the war in Iraq and the lack of alternatives for poor kids to pay for college, Jeff Herman had a right to speak out at City Hall about Boston spending over a million dollars on JROTC."

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