

acanfora
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RICHMOND, Va. -- Joe Acanfora^f, the gay school teacher who was shifted out of the classroom and later fired after his gayness was made public, has lost another round in his legal battle to get his job back.

Paradoxically, however, the latest court ruling could benefit other gay teachers. ~~XXXXXXXX~~

The Fourth Circuit Court of Appeals ruled that the Montgomery County, Md., school board was justified in firing Acanfora because he had failed to mention his membership in a college gay organization when he applied for a job.

The ~~XXXXXX~~ ^{appeals} court reversed a ~~XXXXXXXXXXXX~~ position taken by a lower court judge which would have had the effect of restricting gay teachers' rights to talk about the general subject of homosexuality on radio, TV ^{and} and in newspaper interviews.

But it let stand a ~~XXXXXXXX~~ position of the lower court decision, protecting the right of gays to hold teaching jobs as long as they ~~XXXXXXXX~~ keep quiet about their homosexuality. It did not specifically discuss the gay issue.

In effect, the appeals court ensured the right of gays to both teach and talk about homosexuality outside the classroom. This can be used as precedent in the territory covered by the Fourth Circuit -- Maryland, North Carolina, South~~xxx~~ Carolina, Virginia and West Virginia.

It can also be used to buttress arguments for gays in any cases that might arise in other circuits.

Unfortunately, however, it won't help Acanfora, who is now back in New Jersey, living with his parents and looking for another job.

Acanfora told the Advocate that the ruling made him "very angry."

"It was hard to take," he said. "It seemed like they skirted the big civil issue of gay teachers, and used the little other thing to get around it. That wasn't the reason for my dismissal."

Acanfora was transferred from the classroom to an administrative job in the school system a few days after the Pennsylvania state commissioner of education held a widely publicized press conference to announce that he had certified Acanfora as a teacher. The certification had been delayed because ^{some members of} a certifying committee at Pennsylvania State University ~~was~~ objected to Acanfora's involvement in the campus gay group, Homophiles of Penn State (HOPS).

While the certification decision in Pennsylvania was still pending, Acanfora ^{had} obtained a job ~~as~~ teaching earth science at a junior high school in Rockville, Md. He admitted that he did not list HOPS as one of his campus activities because he was afraid he would not be hired because of it.

A Montgomery & County school official confirmed that ~~known~~ a known homosexual would not be hired, in testimony at the hearing District Court Judge Joseph Young in Baltimore.

An L-1 visa contract was not renewed after

The circuit court decision is likely to be appealed to the Supreme Court. The National Education Association will decide by the end of March whether to ~~fund~~ pay for the appeal, according to Joel Gewirtz, a staff counsel for the NEA.

The NEA, a teacher's union of which Acanfora is a member, has paid for the legal costs so far. Acanfora said that ~~if the NEA were to~~ the American Civil Liberties Union has expressed interest in taking up the case if the NEA steps out. Gewirtz estimated that legal costs could total as much as \$25,000 if the Supreme Court appeal is made.

Gewirtz said that the appeals court's decision appears to ~~have~~ misinterpret Supreme Court decisions ~~on the issue of~~ ~~whether a person who answers a question falsely has the right to challenge the government's right to ask the question.~~ on the issue of whether a person who answers a question falsely has the right to challenge the government's right to ask the question.

"He was never transferred because he was a liar," Gewirtz said. "He was transferred because he was gay." Acanfora If ~~he~~ had mentioned ~~HOPE~~ HOPS in the application and had been rejected, Gewirtz said, "we could never prove he wasn't hired because of HOPS. The school board could say they didn't hire him because he wore blue jeans to the interview."

Gewirtz suggested that the appeals court ^{may have} grabbed onto the "lying" issue as a way to keep Acanfora out of the classroom, even though they acknowledged they couldn't do it on other grounds. He said one ~~sa~~ lawyer called it a "way out opinion" -- one that had devised a way out of a legal predicament.