



**The Washington Flyer**  
**May 29, 2009**

**Age Appropriate?**

This week, Alameda Unified School District in California voted 3-2 in favor of mandating K-5<sup>th</sup> grade curriculum to include education of the lesbian, gay, bisexual, and transgender community (LGBT). Even though many parents were appalled, the school board supported the curriculum as part of a new program to combat bullying. According to Ryan Schwartz, National Outreach Manager for GroundSpark—a non-profit organization that seeks justice in education, “Teaching the golden rule won’t cut it.” He believes, “Instead of having to police the schoolyard for bullying, this curriculum is designed to prevent it from the beginning.”

So what exactly is the [state teaching children](#) about these groups? The curriculum calls for 45 minutes a year to be devoted to teaching children in grades K-5 to be tolerant of groups, individuals, and families who fall into the LGBT communities. Kindergartners will focus on the evils of name-calling and bullying, while 5<sup>th</sup> graders will have a more comprehensive look into the stereotypes of sexual orientation. Second graders will have required reading, including “Tango Makes Three,” a children’s book about two gay penguins who struggle to start a family.

While the mandate was issued [in the name of anti-bullying and tolerance](#), it is not difficult to see the real push behind the decision. Karen England, a spokeswoman for the Capitol Resource Institute argued, “Under law, there are five categories of protected classes when it comes to discrimination, the curriculum focuses on only one subgroup protected under anti-discrimination laws: sexual orientation.” Believing that the board directly excluded religion, she stated, “This indicates an agenda is being pushed, as opposed to an altruistic attempt to teach tolerance.”

Parents opposed the curriculum as well, calling for two separate debates on the topic before the final vote was cast this week. Alaina Stewart, a mother of three children who currently attend the elementary school in the district, opposed the curriculum stating, “I believe these children are far too young to be learning about what these issues mean. These are adult issues and they are being thrust upon the children.” Other parents were infuriated that the board would not even allow an “opt-out” provision, giving parents the right to decide if their child should attend the “lessons.” “By not allowing kids to opt out, the school district is violating a First Amendment right for those who have a religion that doesn’t support homosexuality,” argued David Kirwin, a parent of two children in the school. Parents were also not buying into the idea that the curriculum was designed to solely combat discrimination and bullying. “The chairman of the school board repeatedly claimed to the audience that the curriculum is evenly supported and opposed. I am beginning to lose confidence of the board, as it seems to have a preconceived political agenda and not truly represent their constituent’s opposition to the curriculum,” suggested another parent.

While opposition to the curriculum seemed paramount, some parents embraced the idea, claiming, “Our schools are a reflection of our community and world. From a very early age, children should see what exists in the world.” Others believed, “The teachers would have the tools under the new curriculum to help kids respond appropriately,” to the issue that is so dominant in California. With the California Supreme Court upholding the ban on same-sex marriages, while still allowing current marriages of same-sex couples to remain recognized by the state, the issue of the LGBT community and where it fits into traditional society remains to be debated, discussed, and challenged. However, if the state continues to remain unclear and undecided on this issue, should the commencement of a curriculum that deals with this specific issue be mandated on the young, impressionable

minds of kindergartners and on up? Should not the parents be the ones who chose if and when to teach these issues to their children?

### **Impartiality Replaced with Empathy?**

Just 25 days after President Obama announced Justice Souter's retirement, the President [nominated Judge Sonia Sotomayor](#) to be Souter's replacement. The nominee has an extensive background, with more time accrued on the bench than any other current Supreme Court Justice had at their nomination. She also brings a Cinderella story, similar to the President's, having been raised in the Bronx by her mother after her father died when she was only nine. She went on to conquer her circumstances and attended two of the most prestigious schools, both Princeton and Yale, where she excelled. She was first appointed by President George H.W. Bush to the federal courts. While her intellect and experience are difficult to criticize, conservatives are concerned in the legitimacy of the nomination pick because of her activist record and her understanding of her duties as a Supreme Court Justice.

[Judge Sotomayor](#) is known to be very dominant in the court room, as well as speaking in public about making policy from the bench. Her record shows extreme decisions which have been overturned by the current Supreme Court. Sitting before the Supreme Court presently is a case in which Judge Sotomayor voted against 20 firefighters based, as many would argue, on race. The decision from the Court is expected to come out during the time the Senate will be holding hearings on the nominee.

Sonia Sotomayor's nomination has also brought about controversy that the pick was [based on political reasons](#). Adding another woman to the Court as well as naming the first Hispanic to join the Court, seemed to be a priority for the President as he chose his nominee. Efforts to "balance" the court seemed to be purely aesthetic. Many are also concerned the President nominated someone holding the same views of creating a "quality of empathy" on the bench. President Obama when announcing the retirement of Justice Souter developed his conditioning and recruiting process for finding the next justice:

"I will seek someone who understands that justice isn't about some abstract legal theory or footnote in a casebook; it is also about how our laws affect the daily realities of people's lives, whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their own nation, I view that quality of empathy, of understanding and identifying with people's hopes and struggles, as an essential ingredient for arriving at just decisions and outcomes."

Many are concerned that the element of empathy in the highest Court of the land will redefine or replace the longstanding aspect of impartiality under the law. It seems that the standard of law should no longer solely lie on the Constitution, but also on the [hearts of the Justices](#). At an event during his campaign, now President Obama stated that 95% of Supreme Court decisions really create no controversy, but in the 5% that do, we need to look at other ways to determine the decision such as, "What is in the Justice's heart? What's their broader vision of what America should be?" President Obama then went on to say, "We need somebody who's got the heart, the empathy, to recognize what it's like to be a young teenage mom. The empathy to understand what it's like to be poor, or African American, or gay, or disabled, or old. And that's the criteria by which I'm going to be selecting my judges." What the President did not take into account was the oath to which his Justice would be held:

*"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer **justice without respect to persons, and do equal right to the poor and to the rich**, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as under the Constitution and laws of the United States. So help me God."*

With the President's criteria for selecting a judge rather untraditional and arguably unsubstantial, the question of the nominee and her view of the law and its impartiality will no doubt be thoroughly investigated by the Senate. With her past [decision to deny](#) 20 firefighters an earned promotion because the state claimed no African-Americans were among the qualified to receive the promotion, it is not difficult to see how her "background" and "heart" ruled in the matter.

Qualifications and credentials are a necessity when filling the bench, but an ability to carry out the duties of a Supreme Court Justice and meet the standards by which they are held to, is of equal importance. Just as Lady Justice holds the scales to depict her impartiality and a blindfold to cover her eyes from the spheres that try to influence her, her wisdom lies in the ability to pursue the law and to demand nothing less. She is un-influenced, she is impartial.

### **California Makes a Decision**

After hearing arguments regarding the constitutionality of Proposition 8, the California Supreme Court [upheld the proposition and the will of the people](#), banning same-sex marriages from being performed and recognized. However the court did agree to recognize nearly 18,000 ‘marriages’ that have already been performed, leaving further doubts of equality under the law. In an attempt to remain neutral, the Supreme Court neither denied nor approved of the constitutionality of the Proposition, [stating in the ruling](#), “In a sense, petitioners' and the attorney general's complaint is that it is just too easy to amend the California constitution through the initiative process. But it is not a proper function of this court to curtail that process; we are constitutionally bound to uphold it.” While just last May the same court ruled in favor of same-sex marriages, a tremendous effort to combat the gay agenda by California voters led to the victory of proposition 8, composed of one line which read, “Only marriage between a man and a woman is valid or recognized in California.” Though the majority of voters have voiced their opinion and the highest Court in the state has upheld it, the fight is still far from over. Plans to combat the equality of the 18,000 marriages which will be recognized and strategies to repeal the proposition are already underway.

### **DC Marriage Update:**

Representative Tom Price (R-GA), who serves as the Chairman of the [Republican Study Committee](#), joined with Rep. Jim Jordan (R-OH), Rep. Dan Boren (D-OK), and leaders of the DC faith community to oppose the recent decision by the DC City Council to recognize same sex marriages from outside the District. Last week’s press conference coincided with the introduction of the [DC Defense of Marriage Act](#), cosponsored by Rep. Jordan and Rep. Boren. The legislation states that in the District of Columbia, for all legal purposes, marriage is the union of a man and a woman. This would prevent the DC City Council from redefining the institution of marriage over the strong objections of the majority of the residents of their city.

To Watch the DC Defense of Marriage Press Conference: [Defense of Marriage](#)

### **In Case You Missed It:**

[American Flag Offensive?](#)

[Hate Crimes and Sedition Act](#)

[CA County trying to Stop Bible Study](#)

[South Carolina Considers Tax-Credit / School Choice Bill](#)

