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You will never know how much it has cost my generation to preserve your freedom. I hope you will make good use of it.

John Quincy Adams

Lawmakers Seek to Include Bullying in ESEA Reauthorization

On November 8, the Senate Health, Education, Labor and Pensions (HELP) committee will hold another [hearing](#) on the reauthorization of the Elementary and Secondary Education Act of 1965 (commonly known as “No Child Left Behind”). During the first [hearing](#), several senators expressed concern about the lack of time given to read and review the 860 page proposal. Dozens of amendments were considered by the committee which led to an agreement to hold another hearing on the bill in exchange for a vote. Senator Al Franken argued that specific protections for LGBT students be included to prevent harassment and bullying. He [proposed](#) that provisions of the “[Student Non-Discrimination Act](#)” (SNDA) and the “Safe School Improvement Act” be included in the bill. These provisions include labeling LGBT students as a protected class, allowing lawsuits to be filed based on perceived harassment claims, requiring federally funded schools to establish codes that prevent bullying, and reporting incident data to Congress. Senator Franken withdrew his amendment in order to secure the bill’s passage out of committee but indicated that he would offer the amendment again on the Senate floor. Opponents fear that singling out one class of students for special protection would invite a flurry of litigation. While the National School Board Association favors allowing localities to adopt bullying policies that best meet their unique needs, homosexual advocacy groups such as the Gay, Lesbian and Straight Education Network support the inclusion of explicit language that requires schools to establish and enforce anti-bullying policies. *Education Week* notes that the Successful, Safe, and Healthy Students grant program already included in ESEA specifically requires schools to establish anti-bullying policies in order to receive funding.

NAEP Results Released

This week the National Assessment of Educational Progress ([NAEP](#)) testing scores were released by the National Center for Education Statistics. The “nation’s report card” revealed a slight rise in math scores and relatively flat reading scores for the nation’s fourth and eighth graders. Officials note that there have been significant gains in math achievement over the last twenty years. The tests also highlight the disparity in outcomes between racial and ethnic minorities. To view the NAEP scores for your state [click here](#).

Senate Committee Considers Repeal of Defense of Marriage Act

On Thursday, the Senate Judiciary committee will be holding a [vote](#) on SB 598, the speciously labeled “Respect for Marriage Act” which seeks to repeal the “Defense of Marriage Act” effectively changing the federal definition of marriage. The “Defense of Marriage Act” (DOMA) includes two important [provisions](#)—the definition of marriage as union between one man and one woman in federal matters and the right of a state to define marriage within its borders. In 1996, over 80% of the Congress supported DOMA which was signed into law by President Clinton. This April, President Obama instructed Attorney General Eric Holder and the Justice Department to cease the legal defense of the law. The

President explained this decision by stating that he believed that DOMA was unconstitutional and therefore indefensible. This abdication by the Administration left no legal representation for traditional marriage in the multitude of pending, DOMA-related cases. The House leadership convened the Bipartisan Legislative Advisory Council which voted along party lines to continue the legal fight to defend DOMA. They appointed former Solicitor General [Paul Clement](#) to represent the House of Representatives in the DOMA cases. The homosexual lobby pressured Clement's firm to withdraw from the defense of DOMA or face punitive actions. Although the law firm quickly acquiesced to the pressure, Paul Clement resigned from the firm and has continued to represent the House. In July, Senator Dianne Feinstein held a hearing on SB 598 which would repeal DOMA. The hearing made [headlines](#) because of the derisive tone, mocking [questions](#) and open scorn that several Senators displayed towards [Austin Nimocks](#), Tom Minnery and Ed Whelan, who defended the importance of traditional marriage. Since all ten Democrats on the Judiciary committee have stated that they are in favor of Senator Feinstein's proposal, the bill will most likely pass out of the committee. The bill is largely viewed as a political move to placate the homosexual lobby since the House is unlikely to consider this measure.

House Reaffirms National Motto

On Tuesday, the House of Representatives voted overwhelmingly to reaffirm that our national motto is still "In God We Trust". Prior to the [vote](#), Representative Randy Forbes, chairman of the Congressional Prayer Caucus, issued the following statement: "Tomorrow, the House of Representatives will have the same opportunity to reaffirm our national motto and directly confront a disturbing trend of inaccuracies and omissions, misunderstandings of church and state, rogue court challenges, and efforts to remove God from the public domain by unelected bureaucrats." There were nine [dissenting](#) votes cast in opposition to the motto. Congressman Forbes has led the fight to include the motto in the Capitol Visitor Center and to correct those who mistakenly assert that the national motto is *e pluribus unum* (out of many, one).

Illinois Adoption Agencies Closed by Civil Union Law

Although the backers of the civil union bill repeatedly assured the public that passing the legislation would not affect religious liberty, implementation of the law has resulted in the closure of several faith-based [adoption](#) and foster care agencies that refused to place children with same-sex couples. The passage of the "Religious Freedom Protection and Civil Union Act" precipitated the closure of the Evangelical Children and Family Association and Catholic Social Services. Both adoption agencies have been active in Illinois for decades. Over 2,000 families and children will be affected by the [closure](#) of the Catholic agency alone. In spite of their objection to the law, the affected agencies say that their main priority is "preserving casework knowledge" and mitigating the harmful effects on the children as they are transferred to other agencies. Some lawmakers have sponsored SB [2495](#) in an effort to create a religious exemption that would allow these faith-based agencies to continue their vital service.

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)
[Justice Thomas: Establishment Clause Jurisprudence in Shambles](#)
[ADF Stands in Defense of Religious Freedom](#)
[Fed Bullying States To Use Its Standards](#)

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