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Courts Promote Gay Agenda in Schools

While state marriage amendments typically receive approval of 70% of the voters, the gay rights lobby is winning numerous lawsuits that advance their agenda in public schools. The struggle rages on at the ballot box about same-sex marriage, but there is no doubt about which side is winning the gay battle in the public schools.

Earlier this year, federal district court Judge David L. Bunning ordered a Kentucky school district to allow a gay club in its high school. Judge Bunning also imposed a consent decree that required mandatory staff and student diversity training, "a significant portion of which would be devoted to issues of sexual orientation and gender harassment."

A lawsuit was then filed by students who objected to being forced to watch a politically correct, pro-homosexual video (of course, unrelated to academics). Included in the mandatory one-hour video were dogmatic claims that homosexuality is somehow immutable and that it is wrong to object to the gay lifestyle. The students' suit asserted that the mandatory video "effectively forces students to speak in agreement with the School District's view that homosexuality is a safe and healthy lifestyle that cannot be changed." But the students lost; federal Judge Bunning, in *Morrison v. Board of Education of Boyd County*, sided with the school and upheld the mandatory video.

It is puzzling why the public schools are so eager to spend scarce resources on an issue so unrelated to reading, writing and arithmetic. And since when did our country begin acting like a totalitarian state in forcing people to watch videos against their moral beliefs?

The curious antagonism of the lower federal courts to parents' rights in public schools is apparently shared even by some judges appointed by Republican presidents. Judge Bunning, who was appointed by President George W. Bush, is the son of conservative U.S. Senator Jim Bunning, who went to Congress after a successful career in major league baseball.

What rights do students have in public schools? The U.S. Court of Appeals for the Ninth Circuit recently answered this

question in a way that many parents would find highly objectionable. The issue was raised by a student named Tyler Harper at the Poway High School near San Diego who wore a T-shirt inscribed with the words "I WILL NOT ACCEPT WHAT GOD CONDEMNED," and on another day wore a T-shirt with the words "BE ASHAMED, OUR SCHOOL EMBRACED WHAT GOD HAS CONDEMNED." On the back of his T-shirts was handwritten the words "HOMOSEXUALITY IS SHAMEFUL, ROMANS 1:27."

The school administrators asked Tyler Harper to change his shirt. He refused and spent the rest of the day in the school's front office as punishment. The student then sued the school, charging breach of his First Amendment, Equal Protection, and Due Process rights. Tyler Harper argued that since the school had endorsed the "Day of Silence" sponsored by the Gay, Lesbian and Straight Education Network (known as GLSEN), that meant the school had promoted and encouraged homosexual activity, and therefore he had a right to respond.

The judges on the Ninth Circuit Court of Appeals ruled against the student in *Harper v. Poway Unified School District*. They asserted that the First Amendment does not protect students expressing views opposing homosexuality. The dissenting opinion, written by Judge Alexander Kozinski, makes much more sense. He pointed out that student Tyler Harper didn't initiate the dispute but simply "was responding to public statements made by others." Judge Kozinski pointed out the hypocrisy of the majority who claimed they were promoting "acceptance and tolerance for minority points of view," but actually "demonstrated intolerance for a viewpoint that was not consistent with their own."

The bottom line is, don't count on the courts to protect public school students from being subjected to the promotion of homosexuality.