



June 7, 2007

Via U.S. Mail & Facsimile to (919) 716-6764

Thomas J. Ziko
Special Deputy Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602

RE: North Carolina Governor's School program

Dear Mr. Ziko,

As the 2007 session of the North Carolina Governor's School program ("Governor's School") is scheduled to open June 17, 2007, I am writing you again this year to express the concerns of the Alliance Defense Fund ("ADF") and numerous North Carolina citizens about the content of the Governor's School curricula and programs.

By way of reminder, ADF is a national legal alliance of nearly 1,000 attorneys defending the right to hear and speak the Truth through strategy, training, funding, and litigation. We exist to educate the public and the government about important constitutional rights, particularly the freedom of religious expression. When necessary, we litigate these issues.

As you know, last year at this time we sent a letter on behalf of Mrs. Beverly Burrows, a concerned parent whose son attended the Governor's School West ("GSW") program in 2005. Mrs. Burrows requested that ADF investigate the legality of the controversial seminar, "The New Gay Teenager," that was made a part of that summer curriculum. It was and is our view that the seminar and related materials were presented in violation of state law, and amounted to an unauthorized and reckless sex education course without parental approval. Moreover, we presented evidence that certain Governor's School activities and curricula allowed and included anti-religious advocacy in violation of the First Amendment's Establishment Clause. For those reasons, we submitted a letter formally requesting that the responsible state officials ensure the Governor's School ceases and desists from any similar offerings or problematic curricula in the future. The formal response from the State Board of Education requested that our future correspondence be directed to your attention.

During the 2006 session, the Governor's School acknowledged on its calendar an intent to show students the graphic, sexually explicit film *American History X*. In spite of school officials repeatedly assuring parents they would be specifically notified regarding any sexually-

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oriented material presented to students, the school did not notify or obtain permission from parents on this movie. ADF sent a letter on behalf of alarmed parents, and pursuant to your subsequent advice, the Governor's School wisely refrained from showing the film.

Since that time, Mrs. Burrows, other concerned parents and citizens, and representatives of the North Carolina Family Policy Council have had ongoing correspondence with state officials concerning this issue. In November 2006, some of these individuals met with officials from the North Carolina Department of Public Instruction to discuss their key concerns. At that meeting, Mary N. Watson, Director of the Department's Exceptional Children Division, and others implied that appropriate remedial measures had been, and would continue to be, taken to ensure the Governor's School program's full compliance with state and federal law. In spite of a specific request to memorialize these assurances in writing, no follow up letter was sent.

We write at this time to again specifically request your attention to these matters and your continued scrutiny of the Governor's School program curricula and activities for 2007 session. In particular, we request that your office ensure that the programs remain free of any seminars or unapproved sexuality education curricula this year, and that religious viewpoints will not be unconstitutionally maligned, but instead treated with equal dignity and respect.

It is our intention to litigate these matters if problems arise as they have in the past, but we certainly hope that such litigation does not become necessary and that state officials follow through on their expressed commitments to monitor these issues.

Should you have any questions for me, please do not hesitate to contact me.

Very sincerely,

ALLIANCE DEFENSE FUND



J. Michael Johnson
Senior Legal Counsel

JMJ/ks

cc: Howard N. Lee, Chairman, N.C. State Board of Education
June St. Clair Atkinson, Ed.D., State Superintendent, N.C. Dept. of Public Instruction
Tami Fitzgerald, Legal Counsel, North Carolina Family Policy Council
Beverly P. Burrows