

MEMORANDUM

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RE: Human Rights Campaign – “Welcoming Schools” Project

Objections to and Dangers of Promoting “Sexual Orientation” and “Gender Identity” as Normative Behavioral Traits to Children

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Introduction

As you are aware, your schools have been targeted by the Human Rights Campaign (HRC) as one of their pilots for instituting its “Welcoming Schools” project. HRC defines itself as “the largest national gay, lesbian, bisexual and transgender civil rights organization.”¹ In other words, HRC represents only 4.1% of those adults (not children) in America who define

¹ See http://www.hrc.org/about_us/who_we_are.asp.

themselves as either gay or lesbian.² We respectfully request that this memorandum be considered on behalf of the remaining 95.9% of the population, including all children.

HRC's "Welcoming Schools" project has the stated goal of "meet[ing] the needs of students whose family structures are not well-represented or included in the school environment." Yet, the "Welcoming Schools" project incorporates within itself two incorrect and dangerous assumptions—(a) that one's sex³ is a mental decision and not a biological fact, and (b) that individuals are born with an immutable "sexual orientation," including children as young as five-years-old having normal same-sex attractions.⁴

HRC asserts that one of the primary goals of the "Welcoming Schools" program is to stop bullying,⁵ but if that were really true, it would endorse the already-existing and comprehensive Bullying and Hazing Policy most recently revised by this Board in October 2004.⁶ This policy is both complete and comprehensive, prohibiting bullying and "negative actions" for any and all possible reasons. "Negative Actions" is thoroughly defined as:

intentionally inflicting or attempts to inflict injury or discomfort upon another. Negative actions include but are not limited to threatening, taunting, teasing and calling names and hitting, pushing, kicking, pinching, restraining, making faces, dirty gestures, intentionally excluding someone from a group.⁷

Accordingly, it is clear that the goal of HRC is to implement an educational program to indoctrinate young children with social viewpoints that are extremely controversial, out of the mainstream, and rely on unproven scientific theory that runs counter to American cultural and scholastic interests. In point of fact, HRC's agenda surrounds itself in an astounding hypocrisy—that one's sex is generally an irrelevant biological inconvenience, but when it comes to relationships (*e.g.*, marriage), one's sex is extremely significant.

Moreover, as is shown herein, the indoctrination of children with HRC's anti-religion⁸ political agenda will present serious practical and legal problems, especially adults are charged

² See <http://www.cdc.gov/nchs/data/ad/ad362.pdf>.

³ Referring to "either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures." See <http://www.merriam-webster.com/dictionary/sex>.

⁴ See http://www.hrc.org/documents/schools_A_Few_Facts.pdf.

⁵ See <http://www.hrc.org/issues/parenting/schools/9085.htm> ("Why This Guide: Get the facts on families, bullying and anti-gay name-calling.").

⁶ See http://www.mpls.k12.mn.us/sites/f7071225-9844-4da6-96c0-996b9c74b221/uploads/bullying_hazing_policy_2.pdf.

⁷ *Id.*

⁸ One of HRC's touted educational resources as part of its project is the controversial video "It's Elementary" (see http://www.hrc.org/documents/schools_K_Resources_WSG_3.pdf, Page K-13, available at <http://www.groundspeak.org/films/elementary/>), expressly condemns Biblical viewpoints to the extreme that a 3rd grader who says that people of faith "think stupidly" is applauded by a teacher and other students. (See <http://www.youtube.com/watch?v=uH8b7Eh8niQ&NR=1> at 0:49-2:36). At another part, a teacher questions whether the celebration of homosexual behavior is something that the "kids have to support," especially where "a child comes from a background that says that homosexuality is not correct." But that teacher was informed that "we are asking kids to believe that [homosexuality] is right . . . as part of what we consider to be a healthy education." (See <http://www.youtube.com/watch?v=TL79gijvhJg> at 1:05-2:03).

with the safety and security of other people's children. You are urged to please refrain from allowing your schools to be utilized as a pilot program for HRC. Allowing this project to move forward without instruction to the contrary violates your own written policy regarding the teaching of controversial issues.⁹

Definition of "Gender Identity"

The "Welcoming Schools" project surreptitiously seeks to normalize the concept of "gender identity." HRC defines "gender identity" as "a person's innate sense of gender,"¹⁰ without any regard to a person's biological identification at birth.¹¹ For example, in the "Girls Like, Boys Like, Kids Like" portion of its agenda, targeted for five to seven-year-olds, HRC's stated goal is for "[s]tudents [to] begin to understand that they can like what they like regardless of what sex they were born."¹² In others words, the goal is to begin teaching children that sex is an irrelevant biological inconvenience.

Further in its materials, HRC explains:

If you want to try to break down "naturally" occurring divisions in the class between boys and girls, it is best to avoid using "boys and girls" when referring to the class as a group and eliminate times that children are divided by gender or seated or grouped in gender-defined patterns. For some children, identifying as a boy or girl in order to participate in an activity creates internal dissonance. If you change your language, and, later, your [sic] thinking, it can be very liberating for some children and broaden the scope of experiences and expectations for all the children.¹³

To better understand HRC's viewpoint, its other resources speak volumes. HRC does not believe that a person's sex has anything to do with their biological composition at birth.¹⁴ In fact, HRC not only subscribes to the notion that a person's sex is a fluid concept, decided in one's head and without regard to biological composition, but HRC embraces the notion that a person can identify as neither male nor female, but instead "intersexual."¹⁵

⁹ The policy requires that "[t]he classroom is to be regarded as a forum for exploring the multitude of points of views relating to controversial issues and is not to be used as a committee to produce resolutions or to produce final solutions for problems" and that "[a] teacher has the responsibility of bringing out all the facts known." See <http://doc.mpls.k12.mn.us/sites/3ab69bed-343f-4692-80cb-86c05ea9cf88/uploads/6250a.pdf> (emphasis added) and <http://doc.mpls.k12.mn.us/sites/3ab69bed-343f-4692-80cb-86c05ea9cf88/uploads/6250.pdf>. HRC's "Welcoming Schools" project does not bring out "all the facts known" or a "multitude of points of views," but rather focuses on only one point of view which suits its political agenda.

¹⁰ See <http://www.hrc.org/issues/transgender/1506.htm>.

¹¹ In fact, HRC expressly rejects the idea that birth certificates should reflect unchanging vital statistics. See <http://www.hrc.org/issues/transgender/1531.htm>.

¹² See http://www.hrc.org/documents/schools_Boys_Like_Girls_Like.pdf (Page G-5).

¹³ *Id.*

¹⁴ See <http://www.hrc.org/issues/transgender/1516.htm>.

¹⁵ *Id.*; see <http://en.wikipedia.org/wiki/Intersexual>.

HRC consistently refers to the concept of “gender identity,” a mental disease transformed into a political platform. The political notion of “gender identity” derives from Gender Identity Disorder (GID), an established mental illness.¹⁶ Yet, by removing the “D” from GID, HRC and others are attempting to socially normalize behavior flowing from a known and recognized mental illness. This attempted normalization takes advantage of those unfortunate individuals suffering from GID by denying the existence of the disease and instead embracing their condition as normal. As a society, if we were to begin ignoring the needs of those inflicted with schizophrenia, denying them treatment, care, medication, and counseling, the consequences would be devastating. The turning of a blind eye to GID is no less destructive.

However, as part of the “Welcoming Schools” project, HRC seeks to destroy even the hint of dignity in being either male or female. In its own words, HRC wants to “challenge [students’] ideas of what is appropriate for each sex.”¹⁷ As an exercise to help kindergarteners refute “gender expectations,” the following exercise is recommended:

- Ask students to close their eyes and think of two of their favorite things to do. Ask them how they would feel if they were told they couldn’t do those activities because only people of the other sex are supposed to do those activities. When the students open their eyes, ask them to either say or write down what they thought of and how they would feel.
- Or, ask students to close their eyes and think about their list of things they love to do. Would any of the things be different if they were born the other sex? Ask them to write down any things they think wouldn’t be on their list or what might be on their list that is not there yet.¹⁸

Once elementary-age children are convinced that there exists no significance in their having been born a male or female, they will undoubtedly pursue any number of misguided social paths, including attempted sexual reassignment.

Our nation’s medical community has also committed significant resources to destroying the dignity of the sex with which our children were born. For example, doctors at Children’s Hospital Boston have now expanded their scope of services¹⁹ to assist “transgendered children and young adults” by drugging children as young as 10-years-old in order to “block” their puberty and allow them to become the sex that they want to be.²⁰ According to the physician in charge, Dr. Norman Spack, “[One of my patients, a] transgendered girl from the UK, was

¹⁶ See http://en.wikipedia.org/wiki/Gender_identity_disorder (“a condition in which a person has been born one gender, usually on the basis of their sex at birth (compare intersex disorders), but identifies as belonging to another gender, and feels significant discomfort or the inability to deal with this condition. It is a psychiatric classification and describes the problems related to transsexuality, transgender identity and more rarely transvestism. It is the diagnostic classification most commonly applied to transsexuals.”).

¹⁷ See http://www.hrc.org/documents/schools_Boys_Like_Girls_Like.pdf (Page G-6).

¹⁸ *Id.* at Page G-7.

¹⁹ This memorandum is not intended to address serious, birth-related problems like ambiguous genitalia. One of the primary causes of ambiguous genitalia, congenital adrenal hyperplasia, occurs in only one out of every 15,000 newborns. See <http://www.childrenshospital.org/az/Site2067/mainpageS2067P0.html>.

²⁰ See <http://www.worldnetdaily.com/index.php?pageId=62010>.

destined to be a 6-foot-4 male. With treatment, she's going to end up 5-foot-10.” In other words, Dr. Spack is committed to helping this child be whatever they want to be without any regard to what they actually are.

The Consequences of Normalizing GID – Bathrooms and Locker Rooms

Perhaps unbeknownst to most, once the concept of “gender identity” is normalized and embraced, multiple practical and legal problems will follow. Especially within schools, bathrooms, locker rooms, and other intimate places will no longer be protected from members of the opposite sex once “gender identity” becomes standard behavior for students. If schools decide to ignore students suffering from GID, classifying any attention to their illnesses as “discrimination,” then school administrators would no longer be able to segregate boys and girls based on sex—something routinely appropriate in educational settings. Rather, by choosing to embrace HRC’s political agenda, school administrators would be forced to defer to the perceived or designated sex of each individual, without regard to their biological reality.

The spillover from ignoring GID would also fall outside the walls of the schools. If a school embraces the behavior of a student suffering from GID as normal, will a school then recognize a boy’s right to declare himself a girl and play on the girls’ basketball team? If so, will the competitor schools also recognize and honor this student’s individual declaration? The point of absurdity to which this can be carried is self-evident.

Of course, the embracing of “gender identity” will lead to other serious legal problems. There have already been lawsuits by those suffering from GID who claim the right to use restrooms reserved for members of the opposite sex. In fact, eight years ago the Minnesota Court of Appeals ruled that a man must be permitted to use a women’s restroom.²¹ Fortunately, the Minnesota Supreme Court reversed the decision,²² but the Court of Appeals opinion shows how other courts might address these problems.

The acceptance of a person’s ability to identify their own sex will undoubtedly present specific problems with school restrooms. For example, where students are free to define their sex mentally, and without regard to biology, there is no circumstance under which a teacher or school administrator would know whether to object to any given individual’s usage of the boys or girls restroom. Alternatively, a Coach or physical education instructor has no way to shield their female students from boys who choose to self-identify as women either as a prank or to acquire a cheap thrill. From an enforcement standpoint, school officials would be unable to discern whether a boy who is using the girls’ restroom is a sexual predator, prankster, or one who sincerely believes that he is somehow a girl.²³

²¹ *Goins v. West Group*, 619 N.W.2d 424, 429 (Minn. App. 2000).

²² *Goins v. West Group*, 635 N.W. 2d 717, 723 (Minn. 2001).

²³ As outlined above, any boy who seriously identifies himself as a girl is likely mentally ill and suffering from GID. Any caring school’s duty regarding such an individual is not to indulge their illness at the expense of other students, but rather to seek the professional and psychological help that this disturbed young boy requires.

In addition, notwithstanding all of these clear and inevitable problems, HRC's "Welcoming Schools" project fails to identify how schools should implement this new agenda with appropriate consideration for the concerns of those who are not confused about their own sex. HRC touts that "this guide is for all the students who are growing up in our increasingly diverse world so that all can thrive and work with one another peacefully and productively at school, in the community and at work."²⁴ Yet, HRC conveniently ignores that their policies, positions, and project fall vastly beyond the realm of mainstream American culture and blindly assumes that all students, parents, teachers, and school administrators embrace HRC's values. This assumption is incorrect.

Moreover, all students possess privacy rights, even within their school; this is an important, yet ignored, consideration.²⁵ The law protects students in their use of restroom facilities and in refraining from having their bodies exposed to members of the opposite sex.²⁶ Accordingly, it would be seriously disturbing if the Minneapolis Public Schools elevated HRC's political agenda, before the constitutional rights and safety of the students that you are entrusted with protecting. There exists no compelling interest that justifies your endangering the health, welfare, and safety of its own students in order to acquiesce to a wayward and misguided political agenda.

The "Welcoming Schools" Project Lacks Scientific Support

"Sexual orientation" is unlike traditional legal classifications—such as race, nationality, and sex, which are innate, immutable characteristics that cannot be altered or changed in an instant. In contrast, "sexual orientation" is an ever-fluid concept based on one's behavioral preference (*i.e.*, the category of people with whom one wants to engage in sexual activity or intimate relations). Defining educational legal protections based on individual behaviors—something that is within an individual's control—radically departs from traditional notions of human traits and creates an environment subject to severe manipulation, especially by young boys and girls.

Nondiscrimination efforts traditionally prohibit differential treatment based on characteristics that cannot be changed or altered. Yet, educating young children that people are born with varying "sexual orientations" is both improper and inaccurate because the weight of scientific evidence does not support, and in fact belies, that conclusion.

In one particular study, a group of researchers claimed that they discovered a so-called "gay gene." But those researchers subsequently admitted that they did not discover a "gay gene," and that same-sex attraction is related in part to childhood environment.²⁷ Moreover, in 2008, the American Psychological Association (APA) acknowledged the absence of a biological link to homosexual behavior, and admitted that such behavior is a choice, impacted by many

²⁴ See http://www.hrc.org/documents/schools_Why_This_Guide.pdf.

²⁵ Restatement (Second) of Torts § 652(B).

²⁶ *Lee v. Downs*, 641 F.2d 1117 (4th Cir. 1981).

²⁷ For extensive information on this point, go to <http://www.narth.com>.

factors, and not a characteristic with which one is born.²⁸ Simply put, homosexual behavior is just that—a *behavioral* trait, not a *biological* one; a *choice*, not an immutable *characteristic*.

Furthermore, evidence demonstrates that individuals change their “sexual orientation” over the course of a lifetime, both spontaneously and deliberately. A recent Columbia University study published in the *American Journal of Sociology* concluded that the existence of any relationship between genes and hormones on “sexual orientation” is “inconclusive at best.”²⁹ In addition, a myriad of publications, including the *Journal of Sex Research*, *Developmental Psychology*, and *Journal of Clinical Psychology*, have published studies concluding that homosexual behavior does not result from an immutable biological trait, but from behavioral or psychological phases.³⁰

The University of Chicago conducted the most extensive random study of sexuality in America to date.³¹ In the chapter on homosexuality, the researchers exposed “assumptions” that, according to their study, were proven to be “patently false.” These assumptions include “[1] that homosexuality is a uniform attribute across individuals, [2] that it is stable over time, and [3] that

²⁸ See <http://www.narth.com/docs/deemphasizes.html>; <http://www.apa.org/topics/orientation.pdf>.

²⁹ Peter S. Bearman & Hannah Bruckner, *Opposite-Sex Twins and Adolescent Same-Sex Attraction*, 107 AMERICAN JOURNAL OF SOCIOLOGY 1179, 1180 (2002); see also <http://www.narth.com/docs/rekersrev.html>.

³⁰ Richard C. Friedman and Jennifer I. Downey, SEXUAL ORIENTATION AND PSYCHOANALYSIS: SEXUAL SCIENCE AND CLINICAL PRACTICE 39 (2002); Letitia Anne Peplau & Linda D. Garnets, *A New Paradigm for Understanding Women’s Sexuality and Sexual Orientation*, 56 JOURNAL OF SOCIAL ISSUES 329, 332 (2000); Rosemary C. Veniegas & Terri D. Conley, *Biological Research on Women’s Sexual Orientations: Evaluating the Scientific Evidence*, 56 JOURNAL OF SOCIAL ISSUES 267, 277 (2000); J. Michael Bailey et al., *Genetic and Environmental Influences on Sexual Orientation and its Correlates in an Australian Twin Sample*, JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 78(3): 524-536, 533; Scott L. Hershberger, *Biological Factors in the Development of Sexual Orientation*, LESBIAN, GAY, AND BISEXUAL IDENTITIES AND YOUTH: PSYCHOLOGICAL PERSPECTIVES 27-51, 40 (Anthony R. D’Augelli & Charlotte J. Pattersons, eds.) (New York: Oxford University Press); J.M. Bailey, et al., *Heritable Factors Influence Sexual Orientation in Women*, 50 ARCHIVES OF GENERAL PSYCHIATRY 217 (1993); J.M. Bailey & R.C. Pillard, *A Genetic Study of Male Sexual Orientation*, 48 ARCHIVES OF GENERAL PSYCHIATRY 1089 (1991); Janet R. Jakobsen & Ann Pelligrini, LOVE THE SIN: SEXUAL REGULATION AND THE LIMITS OF RELIGIOUS TOLERANCE 96 (Boston: Beacon Press 2004); Joseph P. Stokes, et al, *Predictors of Movement Toward Homosexuality: A Longitudinal Study of Bisexual Men*, 43 JOURNAL OF SEX RESEARCH 304, 305 (1997); Roy F. Baumeister, *Gender Differences in Erotic Plasticity: The Female Sex Drive as Socially Flexible and Responsive*, 126 PSYCHOLOGICAL BULLETIN 347 (2000); Letitia Anne Peplau & Linda D. Garnets, *A New Paradigm for Understanding Women’s Sexuality and Sexual Orientation*, 56 JOURNAL OF SOCIAL ISSUES 329 (2000); Lisa M. Diamond & Ritch C. Savin-Williams, *Explaining Diversity in the Development of Same-Sex Sexuality Among Young Women*, 56 JOURNAL OF SOCIAL ISSUES 297 (2000); Karen L. Bridges & James M. Croteau, *Once-Married Lesbians: Facilitating Changing Life Patterns*, 73 JOURNAL OF COUNSELING AND DEVELOPMENT 134, 135 (Nov./Dec. 1994) (describing C. Charbonneau and P.S. Lander, *Redefining Sexuality: Women Becoming Lesbian in Mid-Life*, LESBIANS AT MID-LIFE 35 (B. Sang, et al. editors, 1991)); Lisa M. Diamond, *Development of Sexual Orientation Among Adolescent and Young Adult Women*, 34 DEVELOPMENT PSYCHOLOGY 1085 (1998); Susan Rosenbluth, *Is Sexual Orientation a Matter of Choice?*, 21 PSYCHOLOGY OF WOMEN QUARTERLY 595, 605-607 (1997); Sari H. Dworkin, *Treating the Bisexual Client*, 57 JOURNAL OF CLINICAL PSYCHOLOGY 671 (2001); Lisa M. Diamond, *Was It a Phase? Young Women’s Relinquishment of Lesbian/Bisexual Identities Over a 5-Year Period*, 84 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 352 (2003); Robert L. Spitzer, *Can Some Gay Men and Lesbians Change Their Sexual Orientation? 200 Participants Reporting a Change from Homosexual to Heterosexual Orientation*, 32 ARCHIVES OF SEXUAL BEHAVIOR 403 (2003); Warren Throckmorton, *Initial Empirical and Clinical Findings Concerning the Change Process for Ex-Gays*, 33 PROFESSIONAL PSYCHOLOGY: RESEARCH AND PRACTICE 242 (2002).

³¹ Lauman, et al., THE SOCIAL ORGANIZATION OF SEXUALITY (1994).

it can be easily measured.”³² Even the psychiatrist who was primarily responsible for removing homosexuality from the list of mental illnesses, Dr. Robert Spitzer, has concluded that persons with same-sex desire can acquire opposite-sex desire.³³ In sum, then, the ideological foundation for the “Welcoming Schools” project is not only unfounded, it is wholly contradicted by the wealth of available evidence.

Educating Children With Sexually-Based Material Will Cause Permanent Harms

The common thread throughout all LGBTQ³⁴ organizations, like HRC, is a significant difference in their approach to and attitudes about sexual preferences, activities, and ideals.³⁵ Yet, as was clearly stated in a recently submitted letter by concerned parents, individuals who identify themselves as LGBTQ are “family members, friends, coworkers, teachers and neighbors.” They are, in many respects, no different than us. However, they are *distinctly different* in both (a) their viewpoints on sex and sexuality, and (b) their sexual preferences. Accordingly, it is important to be clear on what HRC’s “Welcoming Schools” project is designed to teach—sex and sexual differences, and nothing else.

The question then becomes whether it is appropriate for public schools to teach elementary age children about sex and sexual differences. The answer is unequivocally no. Beyond the fact that this topic is one that should be both reasonably and rationally reserved for each child’s parents,³⁶ elementary age children are not mentally and developmentally prepared for sex education. This is a commonly known and understood fact and easily explains why the curriculum for the Minneapolis Public Schools reserves for later ages and grades the topics on human development and sexual education.³⁷

The question that should be asked, but is not, is what occurs when schools teach five-year-olds social lessons founded solely upon sex and differences in the varieties of sexual behavior found within our culture. Does HRC expect that these children will not become further curious about these topics on their own? Will they seek out more information on “sex,” “sexual

³² *Id.* at 283.

³³ Robert L. Spitzer, M.D., *Can Some Gay Men and Lesbians Change Their Sexual Orientation?*, ARCHIVES OF SEXUAL BEHAVIOR 32:5, 412 (October 2003) (<http://www.narth.com/docs/evidencefound.html>).

³⁴ This acronym stands simply for Lesbian, Gay, Bisexual, Transgender, and Queer or Questioning. Several other acronyms for abnormal sexual behavior are also embraced by those within the community supported by HRC, like Other variants may add a “U” for “unsure”, an “I” for intersex, another “T” for transsexual, another “T” (or “TS” or the numeral “2”) for two-spirited people, an “A” or “SA” for allies, or an “A” for asexual. Some may also add a “P” for pansexual or polyamorous, and an “O” for omnisexual or other. See <http://en.wikipedia.org/wiki/LGBT>. These are just some of the varying standards of sexual behavior that HRC ultimately hopes to write into the brains of the children it can impact through the “Welcoming Schools” project.

³⁵ As an example, one of HRC’s expressly endorsed Allied Organization’s, Lambda Legal, touts their “Little Black Book” publication on how those within the LGBTQ community can safely “cruise” for anonymous public sex in bathrooms and other public places. See <http://data.lambdalegal.org/pdf/262.pdf>. Clearly, the attitudes of HRC and its Allies regarding sex and sexuality are well outside of mainstream America.

³⁶ “The Minneapolis Public Schools recognizes that the first responsibility for the total health education of the child belongs to the parents/guardians.” See <http://www.mpls.k12.mn.us/sites/f7071225-9844-4da6-96c0-996b9c74b221/uploads/6690.pdf>.

³⁷ See, e.g., http://healthphyed.mpls.k12.mn.us/Seventh_Grade_Health_Education.html.

orientation,” “transsexuals,” “lesbians,” “gay,”³⁸ “bisexuals,” “bi-curious,” or other forms of sexual behavior? The actual curriculum on “What Is a Family?” espoused by HRC uses the terms “gay, lesbian, bisexual or transgender people.”³⁹ A simple Google or other internet search using any of the words “gay, lesbian, bisexual or transgender” returns thousands of sexually explicit internet sites and images.⁴⁰ Therefore, when these elementary-aged children take their newfound knowledge out of the classroom and onto their home or school computers, one of the first things to which they will be exposed regarding “gay, lesbian, bisexual or transgender” is pornography. Is this the kind of information to which we want our Kindergarteners exposed?

Of course, the exposure of young children to pornographic materials will distort their sexual and social development.⁴¹ In addition to distorting a child’s social and sexual development, the exposure of young children to explicit sexuality makes them upset and embarrassed.⁴² “The most common emotional responses to sexually explicit material were disgust, shock or surprise, embarrassment, anger, fear, and sadness.”⁴³ When the exposure happens to a child age 12 or under, feelings of “embarrassment, fear, guilt, and confusion [are] significantly more common.”⁴⁴

The harm to children stems from their “limited ability to emotionally, cognitively, and physiologically process [sexual] material they encounter voluntarily or involuntarily.” *Id.* at 21. Even the United States Supreme Court has recognized the harm that pornography exposure inflicts on young children. *See Ginsberg v. State of New York*, 390 U.S. 629, 642 n.10 (1968). The Court specifically noted the vulnerability of children to pornography during their developmental period:

It is in the period of growth (of youth) when . . . patterns of behavior are laid down, when environmental stimuli of all sorts must be integrated into a workable sense of self, when sensuality is being defined and fears elaborated, when pleasure confronts security[,] and impulse encounters control — it is in this period, undramatically and with time, that . . . pornography may . . . be damaging.

Id.

³⁸ One of HRC’s specific lessons in the project is entitled “What Do You Say to ‘That’s So Gay,’” devoting an entire set of questions and talking points to the usage of the term “gay.” *See* http://www.hrc.org/documents/schools_What_to_Say_to_Thats_so_gay.pdf.

³⁹ *See* http://www.hrc.org/documents/schools_Whats_A_Family.pdf.

⁴⁰ For example, a Google search on the word “lesbian” reveals, on the first page of search results, “The Lipstick Lesbian Page” and related searches on, e.g., “girl on girl action.” The destructive path down which sexualized education will lead children speaks for itself.

⁴¹ *See* Jill C. Manning, *Testimony during Hearing on Pornography’s Impact on Marriage & the Family Before the Subcomm. on the Constitution, Civil Rights and Property Rights and the S. Comm. on the Judiciary*, http://www.heritage.org/Research/Family/upload/85273_1.pdf, at 21 (2005).

⁴² *See* Von Feilitzen, C., & Carlsson, U., *Children in the new media landscape: Games, pornography, perceptions* (2000).

⁴³ *See* Manning, *Testimony during Hearing*, at 26.

⁴⁴ *Id.*

Impaired sexual and social development can cause children to engage in aggressive, harmful, and deviant behavior.⁴⁵ A young child's exposure to sexual material often increases his or her desire for sex and, thus, results in earlier sexual activity.⁴⁶ Early involvement in sexual activity leads to a whole host of problems, including emotional instability, low self-esteem, and an increased risk of pregnancy or sexually transmitted diseases.⁴⁷

The “Welcoming Schools” project is sex-based education—nothing more. The proclaimed differences between those who identify themselves with the LGBTQ community exist only in their notions of sex and sexual behavior. Allowing the country's largest LGBTQ advocacy and political organization to dictate elementary school curriculum will pique the curious and inquisitive minds of the school district's children, leading to disastrous consequences. Education on sexual behavior is inappropriate for elementary-aged children and, at any rate, belongs to the parents, not an organization with a political agenda.

The “Welcoming Schools” Project Creates Serious Problems For School Authorities

The breadth of potential liability and problems created by the “Welcoming Schools” project is disconcerting. By indoctrinating children in the notions of “sexual orientation,” the proposed policy gives most every student the right to complain about something. To make matters worse, not only does the “Welcoming Schools” project purport protect everyone on the basis of any number of sexual proclivities, it purports to guard everyone on the basis of that which is *perceived* to be their sexual inclination. In other words, everyone qualifies as a potential victim under any set of circumstances.⁴⁸

Schools that want to accurately follow current law and avoid sexual harassment claims must prohibit sexuality from becoming a part of their social culture. Outside of a high school health class, sexuality in any form has no place in an educational curriculum. Yet, the “Welcoming Schools” project runs contrary to current law by directly injecting social sexuality and sexual behavior between students, and their “parents,” directly into the school's educational stream of commerce. So, on the one hand, a school must appropriately suppress social issues of sexuality to prevent sexual harassment and other potential sexually-oriented mishaps, but, on the other hand, a school must educate regarding and be cognizant of its students' (potentially

⁴⁵ See Manning, *Testimony during Hearing*, at 29; See Malamuth, N.M., Addison, T., & Koss, M., *Pornography and sexual aggression: Are there reliable effects and can we understand them?*, ANNUAL REVIEW OF SEX RESEARCH (2000).

⁴⁶ See Freeman-Longo, R.E., *Children, teens, and sex on the Internet*, SEXUAL ADDICTION & COMPULSIVITY (2000); see also <http://www.rand.org/news/press.04/09.07.html> (showing that adolescents who watch sexually charged television programs typically have sex earlier in life).

⁴⁷ See Ethier, K., et al., *Self-Esteem, Emotional Distress and Sexual Behavior Among Adolescent Females: Inter-relationships and Temporal Effects* (2004) (http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T80-4J95TPT-J&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=6d47d75fa2bc4ead4cdd987501c80642).

⁴⁸ Instead of acknowledging its political agenda behind the “Welcoming Schools” program, HRC postures that there is somehow a prevalent, extensive problem in our country's “elementary” schools with “anti-gay name-calling.” See http://www.hrc.org/documents/schools_Why_This_Guide.pdf. HRC's goals are undoubtedly political, not educational. See http://www.hrc.org/about_us/2514.htm.

varying) sexual preferences in order to assuage the pressures of a political assault? This is an impossible task for any educational institution or administrative body.

Given that “sexual orientation” is not an immutable or uniform attribute, cannot be easily measured, and cannot be discerned by physical characteristics, those that are charged with implementing the “Welcoming Schools” project (administrators, teachers, coaches, volunteers, other students, etc.), and helping prevent harassment or discrimination, will have *absolutely no* method for objectively assessing an individual’s “sexual orientation.” As a result, promoting a culture of varying “sexual orientations” or invisible personal attributes will inevitably expose teachers, students, and others to unfounded charges of discrimination. Since everyone arguably possesses some semblance of “sexual orientation,” nothing will prevent students from making various or inconsistent claims of “sexual orientation” in order to gain special attention, an unfair advantage, or otherwise abuse relationships with teachers, administrators, and others.

Not only does the promotion of an express, sexually-based social culture create fertile ground for a vast array of unfounded discrimination allegations, it would severely disadvantage teachers, coaches, and others trying to defend against such claims. One’s “sexual orientation” is a subjective and changeable notion. Given the absence of scientific proof distinguishing “homosexuals” from “heterosexuals,” no school or individual could reasonably refute or defend any allegation of discrimination or unfair treatment. Moreover, because the protection or acceptance of individuals is on the basis of their *perceived* “sexual orientation,” the defending entity or person will be placed in the near impossible position of proving what one did or did not *perceive*, at any given moment (since “sexual orientation” is not temporally restricted), regarding another’s sexual behavior.

The Current Bullying and Harassment Policy Is Both Complete And Sufficient

As already referenced, this body already has a comprehensive Bullying and Hazing Policy in place.⁴⁹ This policy is adequate and already sufficiently covers any prospective bullying or harassment concerns without the need to create an amorphous category of students that would create problems for administrators in its enforcement. Accordingly, it is clear that the Board of Education is being asked to become a willing participant in the advancement of a political agenda, something it should decline to do.

⁴⁹ See http://www.mpls.k12.mn.us/sites/f7071225-9844-4da6-96c0-996b9c74b221/uploads/bullying_hazing_policy_2.pdf.