

December 12, 2006

Dr. Weast and Members of the Board of Education

We at CRC have carefully reviewed the proposed new school lessons on sexual orientation and we are particularly concerned that the new curriculum, together with recommendations of the majority on the CAC repeats many of the mistakes that were made in the previous curriculum and that U.S. District Judge Alexander Williams Jr noted when he considered that curriculum. CRC's representative to the CAC has joined with several other members of the CAC in submitting a minority report that raises many of these concerns. I would urge the Superintendent, his staff and the BOE to carefully consider the points raised in the minority report and to take them into consideration before approving the new school curriculum.

We particular note that the new curriculum appears to suffer from the same lack of viewpoint neutrality that was found in the earlier rejected curriculum. This bias is a serious matter that has been addressed by several Federal Courts.

Equally serious is defective MCPS policy that limits the student's ability to express viewpoints in the classroom that are contrary to those in the curriculum or even to ask questions if the teacher's response might carry the teacher outside the confines of the curriculum. This already egregious violation of students' First Amendment Rights is only exacerbated by the serious flaws present in the curriculum itself.

The children, parents and other tax payers of Montgomery County need a new curriculum but they do not need or deserve another round of huge legal expense caused by MCPS continuing to wrestle with what should be settled law.

Henrietta Brown

CRC & PFOX vs. MCPS, Case 8:05-cv-01194-AW (05/05/2005):

"Viewpoint discrimination consists of state action in which 'there is no ban on a general subject matter, but only on one or more prohibited perspectives. '"

"In this case, Defendants open up the classroom to the subject of homosexuality, and specifically, the moral rightness of the homosexual lifestyle. However, the Revised Curriculum presents only one view on the subject – that homosexuality is a natural and morally correct lifestyle - to the exclusion of other perspectives"

"The wisdom of approving a curriculum which prohibits students from discussing one viewpoint of a controversial subject goes to the very essence of that First Amendment faith. The merit of Plaintiffs' viewpoint - be it right, wrong, discriminatory, or just - is of no consequence. Rather, the Court is concerned with ensuring that Plaintiffs 'free speech rights are not restricted merely because they voice an unpopular viewpoint. No matter the importance of an idea to its believers, or how objectionable it may be to its detractors, the diversity of our democratic fabric is sewn together by the belief that the path to freedom lies in the opportunity for rival positions to be equally heard and discussed "