



Written by [Joe Wolverton, II, J.D.](#) on February 16, 2010

Congressman Proposes Radical Pro-Homosexual Protections in Public Schools

On January 27, 2010, openly gay Congressman Jared Polis (D-Colo.) submitted House Resolution 4530, the so-called “Student Nondiscrimination Act of 2010.” If enacted, this bill would empower avowed homosexual rights activist and “safe schools czar” Kevin Jennings, to institutionally inculcate America’s public school children with his own degenerate notion of morality and sexuality.



The text of the bill “prohibits public school students from being excluded from participating in, or subject to discrimination under, any federally-assisted educational program on the basis of their actual or perceived sexual orientation or gender identity or that of their associates.” So, not only have the feds taken autocratic control of the public education curriculum and redesigned it according to a marginal worldview not shared by the majority of Americans, but now they are prepared to redefine “gender” based not only on biology, but on “perception.”

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Kevin Jennings is undoubtedly slaving over the prospect of a law that would erect an impenetrable barrier around whose deviant designs for the radicalization of the children of America through the public education system has been [well publicized](#) and appropriately decried by William Jasper of The New American. The [Washington Times](#) on the propriety of exposing children to the “risky” influence Jennings might exert over these most impressionable Americans.

Section 2 (a)(1) of the bill claims, “Public school students who are lesbian, gay, bisexual or transgender (LGBT), or are perceived to be LGBT, or who associate with LGBT people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation and violence, and have been deprived of equal educational opportunities, in schools in every part of our Nation.” Where is the proof of this assertion? Can Congress Polis produce verifiable research proving the rampant deprivations he describes? Is that not the lowest threshold he should be required to cross given the historic and frankly frightening scope of his proposed legislation?

The critical definitions provided by Congressman Polis are as stupefying as the dearth of facts supporting his program. According to Section 3, Paragraph 2 of the bill, “the term ‘gender identity’



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means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth."

Designated at birth? Upon whom will the responsibility of explaining the alleged difference between "gender" and "gender identity" fall? Will public school teachers be obligated to instruct his or her first grade class that just because Mommy and Daddy say you are a boy doesn't mean you are a boy? What about a young girl that likes to play with trucks or climb trees, will our nation's elementary school teachers be forced by the federal government to provide literature to that young lady explaining that perhaps her "gender" and her "gender identity" don't match and she should expect extraordinary protection from harassment?

And, lest one assume that a program with dictates ranging on such delicate and mature themes such as this one is aimed at high schools, read Section 3, Paragraph 4 wherein the author makes clear that "elementary schools" and "local educational agencies"(state funded day care?) will be charged with implementing the "protections" provided by this scheme. And, as so aptly worded in The Washington Times editorial cited above, "Teaching children sexual techniques is simply not appropriate. Unfortunately, it is part of a consistent pattern by some homosexual activists to promote underage homosexuality while pretending that their mission is simply to promote tolerance for so-called alternative lifestyles."

When it comes to enforcing the law and making sure all our nation's public school students are adequately and appropriately inculcated in the nuanced (and nonsensical) differences between gender and gender identification and what is or is not within your "constitutional right" of "free expression" of your sexual preference or orientation, have no fear, Kevin Jennings and his clipboard-toting cronies will be there. Congressman Polis' bill specifically empowers "each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract" to enforce the mandates set forth in H.R. 4530. That is to say, Congressman Polis (and his cosponsors) are arming Kevin Jennings with the sword of the state and sending him on an errand to forcibly impose their morality and sense of social norms on every school district in America, without regard for local standards or parental opposition.

Furthermore, should anyone (teacher, administrator, other student) be found guilty of discriminating against someone for his or her (even those pronouns soon might be objectionable and legally actionable) perceived gender identity then the accused offender will be liable not only for traditional compensatory damages, but for "attorneys fees," as well. Then, the school where the ostensible discrimination occurred will forfeit all federal funding and be subject to congressional inquiry.

Finally, apart from all the reprehensible and irrational aspects of this bill and the attendant glossary of terms it proffers, there is another equally abhorrent element and that is its purposeful obliteration of the barriers between the sovereignty of the states and the limited, enumerated zones of power provided to the national government by the Constitution. The Tenth and Eleventh Amendments and the once inviolable barricades they erected around the state houses are ignored by this bill's authors and his cosponsors. As a concerned journalist in South Dakota lamented, "The bill treads deeper into unconstitutional territory by trampling on states' rights in declaring, 'A State shall not be immune under the 11th Amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.'" Is there a penumbra dark enough to shroud this obvious obliteration of states' rights?

There is something sinister about a bill that not only forces public school teachers and administrators to



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redefine gender to children as young as six years old and thereby undermines those children's understanding of what it means to be a boy or a girl. And which furthermore does so in a manner so ill-aimed as to viciously deracinate our blessed children from the moral matrix that the family has been for thousands of years, taking care to simultaneously immolate the Constitution that has protected liberty and the right to freely exercise religion for over 200 years. The important questions and concerns about H.R. 4530 and the atmosphere of moral confusion it creates should be asked not only of its principal author and his 65 cosponsors in Congress, but of Kevin Jennings whose agenda it advances and President Barack Obama who chose Mr. Jennings to ensure the safety of our public schools.

Photo of Rep. Jared Polis: AP Images



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