



March 15, 2019

Via Electronic Mail and U.S. Mail

Superintendent Julie A. Vitale, Ph.D.
Oceanside Unified School District
Office of the Superintendent
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Dear Superintendent Vitale and OUSD Trustees,

Re: Legal Opinion Memorandum in Response to the ACLU's Correspondence Regarding OUSD's AFY 3Rs Sexuality Education Program

Thank you for your careful and prompt attention to the important matters addressed in this legal opinion memorandum. Please be advised that the National Center for Law & Policy (NCLP) is a non-profit legal organization representing individuals and groups whose civil rights have been threatened or infringed by the government and its various agents. We advocate for religious freedom, freedom of speech, and rights of conscience, including parental rights related to public education. I am a California-based constitutional attorney with more than twenty years of experience, am a member of the California Bar, and am admitted and qualified as an attorney and counselor of the Supreme Court of the United States. I serve as the NCLP's President and Chief Counsel.

The purpose of this memorandum is to respond to the correspondence dated February 15, 2019, submitted by David Trujillo on behalf of the American Civil Liberties Foundation of San Diego and Imperial Counties (ACLU), urging Oceanside Unified School District (OUSD) to "reinstate comprehensive LGBTQ-inclusive sexual health and HIV prevention education in grades K-6 through and pending the redesign phase. Unfortunately, based on our extensive legal and public policy experience related to the California Healthy Youth Act (CHYA), the ACLU's letter was in several respects factually inaccurate and is legally incomplete and misleading. For example, neither CHYA nor any other California law require that sex education is taught in kindergarten through sixth grade¹, a fact the ACLU's letter conveniently ignores. Therefore, here we endeavor to accurately and fairly discuss

¹ As is discussed further below, the California Healthy Youth Act, Assembly Bill 329, 2014-2015 Reg. Sess. (Cal. 2015), codified at CAL. EDUC. CODE §§ 5193-51939 (hereinafter "CHYA") does not require that sex education is taught until starting in middle school (i.e. grade 7 or 8th grade). *See*, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329

OUSD's legal obligations and the Advocates for Youth 3Rs sexuality curriculum² in light of the relevant legal principles, including the U.S. Constitution, in order to bring more legal precision and clarity where needed.

As is discussed in detail below, the existing Advocates for Youth 3Rs curriculum is fatally flawed and should be permanently suspended in OUSD (and across California) because it:

- is not age-appropriate, in violation of CHYA
- is not medically accurate, in violation of CHYA
- subverts the health benefits of sexual abstinence and marriage, in violation of CHYA
- subverts and violates constitutionally protected parental rights
- subverts and violates the constitutional guarantee of the free exercise of religion
- subverts and violates the constitutional guarantee of the freedom of speech

Based on the facts and legal authority cited in this legal opinion memorandum, contrary to the ACLU's perspective, an organization closely allied with Advocates for Youth, I believe that OUSD made a very wise decision to exercise its authority and discretion by pulling the AFY K-6 3Rs curriculum. I respectfully request that OUSD refuse to comply with the ACLU's demand that the district implement the K-6 curriculum pending its review. OUSD children and families need and deserve a program that contributes to healthy sexual outcomes for children, not the extreme AFY 3Rs sexuality program which inappropriately eroticizes early childhood development, promotes sexual permissivism, aggressively indoctrinates children in confusing gender spectrums and actively undermines (and seeks to replace) what kids are being taught by their parents and religious communities.

Furthermore, as there are no state mandated curriculum, I strongly suggest that OUSD endeavor to improve its compliance with both the California Health Youth Act and the U.S. Constitution by adopting a much better sexual health program for its middle school and senior high school students and families. Specifically, one which is more age-appropriate, medically accurate, and is in much better alignment with community values—including well established and deeply valued civil rights like the free exercise of religion, freedom of speech, and parental rights.

Statement of Facts

As OUSD started rolling out Advocates for Youth's Rights, Respect, Responsibility (3Rs) curriculum over the past few years, a growing number of parents who became aware of the contents of the curriculum began to ask questions and raise specific concerns. As a result of the initial wave of concerns, OUSD responded by moving the program start from kindergarten to 3rd grade.

This did not assuage the informed parents who started publicly raising their concerns at OUSD board meetings and very quickly obtained more than 2,000 petition signatures by

² See, Rights, Respect, Responsibility Curriculum. Available at <https://3rs.org/3rs-curriculum>

late spring 2018. After becoming informed, by conducting an in-depth review of the 3Rs curriculum, the parents came to the inevitable conclusion that the curriculum was “too much, too soon” and demanded that “OUSD immediately suspend 3Rs and replace it with a curriculum that is age appropriate, medically accurate and reflects community values.” When OUSD taught the curriculum in the spring of 2018, approximately 10% of the elementary students did not attend 3Rs classes, which is a very high opt out rate. This triggered an OUSD survey of parents and teachers, which documented widespread legitimate concerns regarding the extreme 3Rs curriculum. In summary, more than 60% of parents and teachers were of the opinion that the 3Rs curriculum was not age appropriate.

For example, when OUSD first presented the 3Rs curriculum for parental review, the materials instructed kindergarten class boys and girls to sit on the carpet together. The teacher would name their private parts and engage in a mixed sex conversation of five-year-olds discussing their sexual organs. For girls, the lesson went beyond merely naming the vulva. Girls were to point to each of their “three holes;” urethra, vagina and anus. This was one of the first portions of instruction quickly scrubbed from the curriculum after parents started protesting.

OUSD is certainly not alone in facing controversy over extreme comprehensive sex education programs being rolled out statewide after passage of the California Healthy Youth Act in 2015. In nearby San Diego, where AFY’s 3R’s instruction begins in 6th grade (not kindergarten), concerned parents have garnered more than 10,000 petition signatures to remove and replace the program, generating significant opposition at board meetings and sympathetic media coverage. Similar controversies regarding the same or similar programs have emerged across the Golden State in Cupertino, San Juan Capistrano, Orange County, Fremont, and elsewhere, as the list continues to grow. The primary reason for the opposition is that the curriculum developed after CHYA, including 3Rs, is extreme, graphic, and pornographic and aggressively indoctrinating. It not only radically exceeds CHYA requirements but also flagrantly disregards the law in many significant ways, some of which are pointed out below.

In spite of the U.S. Supreme Court and CHYA’s strong affirmation of parental rights and responsibilities, the process followed by most school districts in adopting and implementing the new sex education curricula has been very closed and secretive, lacking the required transparency and accountability for meaningful parental and community buy-in and support. Most curriculum review committees have been stacked, not with a diverse spectrum of parents and community leaders, but primarily with persons and organizations committed to extreme sexuality education. The problem is so pervasive that we have received the same or similar complaints from parent groups statewide. Most school districts have made it very difficult for parents to participate in the curriculum adoption process, review the actual curriculum (which are often concealed from parents), or provide meaningful feedback in a way that is respected. These patterns are so widespread amongst so many districts that it appears to be an intentional plan.

An ACLU representative unsuccessfully advocated to the OUSD trustees during the June 5, 2018 meeting that sexuality education should be taught to young children as early as

possible—and that, therefore, the K-6 3R’s program should not be suspended. However, the board rejected this recommendation and suspended the program over the ACLU’s strong objections, as documented in an email from the acting Superintendent, issued after that meeting:

“Based on feedback received from parents, district staff, and the community, as well as the results of the survey that was conducted by the district on the topic of sexual health education, the district will temporarily suspend instruction of K thru 6 sexual health curriculum. The district will be redesigning the K thru 6 sexual health curriculum with input from parents, district staff, and the community. Once a timeline for the curriculum redesign is established, the district will reach out to interested stakeholders regarding the curriculum redesign process.”

Yet, ignoring the legitimate and specific concerns of OUSD parents, district staff, and the community, the ACLU now persists, in its recent correspondence, to advocate for the immediate reinstatement of a K-6 sexuality curriculum for young children between the ages of five and eleven years old. Why? That is an excellent question.

Certainly one of the reasons is that the ACLU is neither an objective nor a disinterested party. As the ACLU has admitted in its letter to the Board, the ACLU was a proud sponsor of the California Healthy Youth Act. The ACLU thus has a vested interest in getting the legislation it sponsored implemented in school districts statewide as broadly and as aggressively as possible. Yet, it appears that the ACLU has an inherent conflict of interest as they helped draft CHYA, are closely allied with AFY, and they are now acting as the unofficial legal policeman statewide regarding CHYA’s “enforcement.” However, as is well documented below, by advocating for erotically indoctrinating early childhood sexuality education, ACLU unfortunately is not advocating for, but is actually setting itself up in active opposition to, parental rights, community values, religious freedom, and the freedom of speech—and, sadly, the actual health and safety of children. Rather, by employing the means of, among other things, extreme comprehensive sexuality education curricula, which far exceed the scope of CHYA and any reasonable restrictions on the coercive imposition of state authority in family matters, it seeks to impose its extreme, radical sexual liberty agenda on families and children—and to transform and replace worldviews, all in the name of the purportedly enlightened “inalienable sexual rights” of children.

Relevant Legal Principles

The AFY 3Rs Sex Program Violates CHYA and the U.S. Constitution because it is Not Age Appropriate and Unconstitutionally Undermines Parental Rights

Parents have the primary and ultimate authority to impart values regarding human sexuality to their children—not the state, the OUSD, the ACLU or Advocates for Youth. The United States Supreme Court has repeatedly recognized the crucial importance of parents and guardians in the fundamental role of inculcating values to children under their care.

“The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. **The child is not the mere creature of the State**; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”

Pierce v. Society of Sisters, 268 U.S. 510 (1925) (emphasis added).

The California Healthy Youth Act similarly affirms and honors the primacy of parents in determining the age appropriateness of sex education materials for their children. Specifically Section 51933(a) of the California Education Code³ requires that “Instruction and materials shall be age appropriate.” Section 51931(a) defines “age-appropriate” to mean that “topics, messages, and teaching methods [must be] suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.” Furthermore, Section 51933(e) affirms parental involvement by mandating that sex education “Instruction and materials shall encourage a pupil to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so.”

The California Legislature recognized these important parental obligations when it enacted Section 51938(a), which states: “A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process.” The Legislature also recognized the value of parental involvement by enacting Section 51937, which states that one of the California Healthy Youth Act’s purposes is (emphasis added):

“to create a streamlined process to make it easier for parents and guardians to review materials and evaluation tools related to comprehensive sexual health education and HIV prevention education, and, if they wish, to excuse their children from participation in all or part of that instruction or evaluation. The Legislature recognizes that while parents and guardians overwhelmingly support medically accurate, comprehensive sex education, **parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children.**”

Although both CHYA and the U.S. Constitution mandate that parents have the ultimate responsibility for imparting values regarding human sexuality, both the process (or lack thereof) that most California districts have followed in adopting sex education curriculum and the curriculum thereby adopted have marginalized the involvement of parents and have usurped proper parental authority and influence. Indeed, the very same lack of

³ Hereinafter, unless otherwise specified, all statutory references will be to the California Education Code (emphasis added).

transparency and accountability experienced in other California school districts initially resulted in an OUSD AFY 3Rs sex program that was far from age-appropriate.

In fact, the sexually aggressive curriculum far exceeds the requirements of the California Healthy Youth Act (CHYA), corrupting rather than educating young children with graphic and explicit information not suitable for sex education, especially among young children. Specifically, the 3Rs curriculum is not age appropriate in that it, for example, includes the promotion of and graphic descriptions of oral, anal, and vaginal sex and encourages sexual behaviors, including mutual masturbation, to children as young as 11-12 years old (6th Grade). Furthermore, Advocates for Youth actively partners with Amaze⁴, linking children via the 3Rs curriculum to cartoon pornography and other inappropriate websites. Pornography is not a laughing matter for children (or adults) as it is highly addictive and highly destructive.⁵ Oversexualizing young children with porn-normative education is very likely to exacerbate the growing problem of child on child sexual abuse. As many of 40 percent of children who are sexually abused are abused by older, or more powerful children.⁶ With easy access to pornography there are more and more cases of child on child sexual abuse, and older children sexually abusing younger children. Twenty-three percent of all 10 to 17 year olds experience exposure to unwanted pornography.⁷ Parents are legitimately concerned that the Curriculum's graphic and extreme over-sexualization, if not hyper-sexualization, may be grooming young children to be physically and emotionally abused—leading to tragic consequences including, but not limited to, misogyny, sexual bullying, sexual harassment, sexual assault, rape, pornography addiction, pedophilia, sex trafficking, and other harmful outcomes.

Parents are shocked to learn that the AFY 3Rs Sex Program, which OUSD initially largely concealed from them, includes these age inappropriate materials and fails to properly affirm CHYA's requirement that abstinence is the only sure way to avoid sexually transmitted diseases and pregnancy. While parents are very interested in knowing the contents of the Curriculum, it hardly seems like OUSD provided its students' parents with a full and fair opportunity to review the 3Rs curriculum before its adoption. Now that the light is shining on this dark curriculum, OUSD is scrambling to make a patch work of ad hoc changes.

The ACLU opines that “they are concerned that K-6 will not receive vital information on sexual health because of this suspension [of AFY 3Rs].” Apparently, the ACLU believes

⁴ See, www.amaze.com

⁵ Lawmakers in Britain have declared pornography a public health crisis and recently passed laws to block pornography access for children under 18. See, <https://www.bbc.com/news/newsbeat-43795806>. Yet, Advocates For Youth porn-normative extreme curriculum links to Amaze.org, which peddles in cartoon pornography. Furthermore, when confronted with AFY's Amaze.com porn links, member of the board of Trustees of the San Diego Unified School district shamefully publicly defended the curriculum's porn exposure.

⁶ See, Finkelhor D. (2012) [Characteristics of crimes against juveniles](#), Durham, NH: Crimes Against Children research Centre.

⁷ See, Jones L., Mitchell K., Finkelhor D. (2012) [Trends in youth victimization: findings from three youth internet safety surveys 2000-2010](#), Journal of Adolescent Health 50: 179-186

that it knows better than California legislators, OUSD teachers, and Oceanside parents about what the age-appropriate sexual health needs of students are. They imply, without any medical or legal authority, that OUSD is somehow obligated to start teaching advanced and controversial concepts regarding human sexuality education in kindergarten, to children five or six years old. Yet any rational parent with young children who possesses any basic understanding of child development and who is informed at all about the content of the extreme AFY 3Rs curriculum will tell you that OUSD K-6 AFY 3Rs sex program was “too much, too soon” and should never be implemented.

We certainly do not disagree that many of the stated goals embodied in the ACLU’s letter are good and admirable. Yes, boys and girls approaching sexual maturity should be well informed. Indeed, it’s good if parents and children communicate about sexuality. True, it’s wonderful if they are taught to make healthy decisions and that the onset of sexual activity should be delayed. Yes, kids need to understand healthy and unhealthy relationships. Agreed, nobody should be bullied or abused. But all of these, and many other admirable goals, can be accomplished—and OUSD can comply with CHYA—without inculcating the graphic and extreme AFY 3Rs sex program to very young children in the K-6 grades.

Simply put, shame on the ACLU and shame on AFY for thinking it’s a good idea to start infusing sexuality education at such a young age before children are mentally and physically prepared to process this information. This will only serve to pollute and corrupt the minds of young vulnerable children with advanced information about human sexuality that their pre-pubescent, sensitive, and growing brains and bodies are not ready to absorb. The 3Rs sex program is not age appropriate for little children, especially K-6th graders, but is nevertheless being driven by a radical transformative worldview seeking to inculcate extreme sexual ideologies and replace parental and faith community perspectives on human sexuality.

So at what age is it appropriate to start teaching children complex concepts about human sexuality and who decides? According to the California legislature, the correct timeframe begins in 7th or 8th grade, in middle school when students range from 12-14 years old.⁸ Even then, parents have the right to opt out. Yet the ACLU never acknowledges parental rights or once mentions in its letter that CHYA does not mandate sex education for grades K-6.⁹ OUSD and other California districts should not, nor are they legally obligated to, start teaching sex education, until 7th grade. And constitutionally, parents ultimately decide if they feel the information is still “too much, too soon,” which is why the law appropriately allows an opt out for sex education.

8 See Section 51934 (a): “Each school district shall ensure that **all pupils in grades 7 to 12**, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. (emphasis added)

9 See Section 51934 (c): “A school district *may* provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (11), inclusive, of subdivision (a).”

However, by employing such a fundamentally flawed adoption process and deciding to start instruction in kindergarten, it appears that OUSD was usurping the parents' right and authority to decide what is and is not appropriate for their children, therefore attempting to undermine or circumvent the Legislature's express intent in adopting CHYA—to empower parents to make such fundamentally important decisions. Most parents want their children to be healthy and are not opposed to sex education in general; they simply do not want their children exposed to topics that the parents do not consider age-appropriate. That is their fundamental right as parents, a right recognized by both the U.S. Constitution and California law. But the OUSD AFY 3Rs sex program does not just violate parental rights with age-inappropriate content, it also includes medically inaccurate and potentially harmful information.

The AFY 3Rs Sex Program is Not Medically Accurate and Objective

Section 51933(b) of the California Healthy Youth Act requires that sexual health education instruction be “medically accurate and objective.” Section 51931(b) defines medically accurate as “verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.”

In stark contrast, the 3Rs curriculum promotes risky sexual practices and includes medically inaccurate and medically incomplete information. For example, the 3Rs curriculum promotes anal sex with a condom as a “low risk” sexual practice in its middle school curriculum. However, the truth is that anal sex transmits STDs and HIV far more easily than either vaginal or oral sex and the FDA does not approve condoms for anal intercourse.¹⁰ Furthermore, the CDC confirms the relative risk of HIV infection in anal intercourse with consistent and perfect condom use is only 70%.¹¹ A thirty percent risk of HIV infection with condom use is certainly not a low risk activity! However, in spite of the risks associated with condoms, AFY, SIECUS, and the ACLU recklessly promote/advertise their safety and effectiveness in their public statements and joint press releases.¹² Providing inaccurate and dangerous medical information to students about condom use clearly violates CHYA.

Furthermore, although CHYA mandates abstinence instruction and it is certainly medically accurate that the only sure way to avoid contracting sexually transmitted diseases and

¹⁰See, <https://www.fda.gov/ForPatients/Illness/HIVAIDS/Prevention/ucm126372.htm>,
<https://www.fda.gov/RegulatoryInformation/Guidances/ucm080618.htm>.

¹¹ See, <http://www.aidsmap.com/Consistent-condom-use-in-anal-sex-stops-70-of-HIV-infections-study-finds/page/2586976/>

¹² See, <https://www.aclu.org/news/aclu-advocates-youth-and-siecus-say-government-funded-abstinence-only-until-marriage-materials>

experiencing pregnancy is through sexual abstinence until marriage,¹³ abstinence is either barely mentioned or is impliedly discouraged by the AFY 3Rs curriculum. Aggressive CSE curricula like AFY's 3Rs pretend to take a "reasonable" middle position on sex education, somewhere between sexual "abstinence," on one hand, and engaging in "safe sex," on the other. However, these CSE programs nearly universally have either weak or non-existent abstinence content and, as a result, end up actually demeaning and subverting abstinence education.

As a whole, these radical CSE curricula assume that most children and youth should start thinking about sex at a very young age and will begin experimenting with sex very early and that, therefore, abstinence isn't a realistic option. That's why they are so sexually explicit and graphic, contain such a "pleasure" focus, and emphasize "safe sex" with the basic message, "when in doubt do it, just put a condom on it." The truth is that AFY, SIECUS, and the ACLU have partnered together for decades, consistently promoting CSE's "safe sex" approach and have actively opposed and undermined abstinence education and federal funding for abstinence education in their advocacy and joint press releases.¹⁴ This is far out of step with parents and parental rights. In fact, according to the Heritage Foundation, only approximately ten percent of parents support the extreme values promoted by CSE, including that it's okay for teens to have sex as long as they use condoms.¹⁵ In summary, AFY's intentional subversion and undermining of abstinence, as exemplified by its 3R's sexuality program, is a clear in violation of CHYA's mandatory provisions, both because it withholds from students medically accurate information about abstinence (it fails to teach the important value of abstinence in avoiding sexually transmitted infections and pregnancy) and because it fails to teach abstinence as a realistic option for children and youth.

Finally, in addition to the physical risks, the AFY curriculum actually both impliedly and explicitly promotes engagement in premature sexual activity, completely ignoring the psychological harms that engaging in premature sexual activity would cause in children. The "medically accurate" requirement must certainly be read and understood in the context of overarching concern for "age appropriateness." This is one of the dangers of the program's aggressive promotion of sexual permissivism and is one of the reason OUSD parents and teachers object to the 3Rs curriculum. Precisely because it flagrantly ignores any reasonable concept of age appropriateness, seeking to give very graphic and advanced / adult level information to young k-6 children. For example, it may be "medically accurate and objective" to describe a transgender sex change operation in graphic detail to

13 Pursuant to Section 51934(a)(3), CHYA requires that instruction "shall include.... [i]nformation that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. This instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy."

14 See, <https://www.aclu.org/news/aclu-advocates-youth-and-siecus-say-government-funded-abstinence-only-until-marriage-materials>

15 See, <https://www.heritage.org/education/report/what-do-parents-want-taught-sex-education-programs>

a five-year-old child, but most parents would object that it would not be age appropriate to do so with their very young and immature child.

The AFY 3Rs Sex Program is Unconstitutionally Hostile Towards Religion and Religious Perspectives About Sex and Marriage

Religion is an important part of the lives of most Americans, including the citizens of OUSD. According to Pew research, more than 75% of OUSD's families likely identify as religious¹⁶—Christian, Buddhist, Jewish, Hindu, or Muslim. The U.S. Supreme Court has held that the First Amendment's Establishment Clause, what some call the "separation of church and state," requires that government entities may not establish religion. In the public school context, this has most often been interpreted to mean that administrators and teachers must be "neutral" regarding religion. However, the "[wall of separation] metaphor... is not a wholly accurate description of the practical aspects of the relationship that in fact exists between church and state."¹⁷ As a matter of law, the U.S. Constitution "affirmatively mandates *accommodation*, not merely tolerance, of all religions, and **forbids hostility toward** any."¹⁸

As American culture has become increasingly secularized, there have been increasing legal conflicts between religious liberty and sexual liberty. However, the First Amendment requires that the government must continue, even in these changing times, to show tolerance and respect towards religious differences. The U.S. Supreme Court recently held that religious perspectives regarding same-sex marriage are protected by the Free Exercise clause from government coercion and that even "subtle departures" from constitutionally mandated government neutrality toward religion will violate the Free Exercise Clause of the First Amendment:

"In *Church of Lukumi Babalu Aye, supra*, the Court made clear that the government, if it is to respect the Constitution's guarantee of free exercise, cannot impose regulations that are hostile to the religious beliefs of affected citizens and cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices. The Free Exercise Clause bars even "subtle departures from neutrality" on matters of religion. *Id.*, at 534, 113 S.Ct. 2217. Here, that means the Commission was obliged under the Free Exercise Clause to proceed in a manner neutral

¹⁶ See Pew Research Study (2015): <http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/>

¹⁷ *Lynch v. Donnelly*, 456 U.S. 668, 673 (1984).

¹⁸ *Id.* (citations omitted)(emphasis added); See also *Ceniceros By & Through Risser v. Bd. of Trustees of the San Diego Unified Sch. Dist.*, 106 F.3d 878, 882 (9th Cir. 1997) (emphasis added) (holding that SDUSD's University City High School (UCHS) violated the Equal Access Act (EEA) and First Amendment rights of students desiring to form a religious student club that wanted to meet during lunch time as other clubs were permitted to do); citing *Westside Community Board of Education v. Mergens*, 496 U.S. 226, 248 (1990); *Lamb's Chapel v. Center Moriches School Dist.*, 508 U.S. 384, 394–96, (1993) (making school facilities available for religious group to show film does not violate Establishment Clause).

toward and tolerant of Phillips' religious beliefs. The Constitution “commits government itself to religious tolerance, and upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures.” *Id.*, at 547, 113 S.Ct. 2217.”

Masterpiece Cakeshop v. Colorado Civil Rights Com’n., 138 S.Ct. 1719, 1731 (2018).

CHYA actually backstops the First Amendment’s requirement of cultural and religious neutrality and sensitivity. Section 51933(d)(1) mandates the instruction and materials “shall be appropriate for use with pupils of all...ethnic and cultural backgrounds...” and Section 51933(d)(4) states that “[i]nstruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.” “[R]eligion” is one of the categories protected by Section 220. Yet the AFY 3Rs curriculum is not neutral towards religion, but actually actively undermines and attacks religious views about human sexuality and marriage in a hostile manner.

First, the 3R’s curriculum violates CHYA and the First Amendment by its overt and implied hostility toward religious perspectives and viewpoints about sex and marriage. This is in spite of the fact that one of the appropriately stated goals of CHYA is to affirm marriage. Section 51930(a)(2) states that one of CHYA’s purposes is “[t]o provide pupils with the knowledge and skills they need to develop healthy attitudes concerning ... relationships, marriage, and family.” Section 51933(g) mandates that “Instruction and materials shall provide pupils with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection...” Furthermore, CHYA more specifically requires in Section 51933(f) that: “Instruction and materials shall teach the value of and prepare pupils to have and maintain committed relationships such as marriage.”

However, the AFY 3Rs curriculum actually accomplishes the very opposite—the subversion of marriage as a whole and, more specifically, cultural and religious perspectives about marriage and sexuality. Not only does 3Rs barely mention marriage, which is a fundamental building block of society, but it also completely fails to teach children the value of marriage or how to have or maintain a healthy intimate relationship, including in marriage. Quite the opposite. AFY’s 3Rs expects and promotes not healthy stable long term relationships, but rather a casual sex, pleasure centered, “hook” up culture. And by promoting early childhood sexual interest and highly controversial theories about gender identity and sexual orientation, the curriculum actually undermines and seeks to subvert virtually any and all religious perspective on sex and marriage. This is because many, if not all, of the world’s religions teach that marriage is the union of one man and one woman for life and that the healthiest expression of sex is in the safety of a committed, lifelong relationship (known otherwise as abstinence from sex outside of marriage). However, if anything, 3Rs undermines abstinence and healthy marriage by placing its primary emphasis, not on what you can give, but on what you can take. It views sex as narcissism, as a self-pleasuring sport. It models and encourages sexual habits and behaviors which undermine healthy committed relationships, including marriage.

Second, the OUSD AFY 3Rs curriculum broadly targets and marginalizes religion and religious beliefs about human sexuality, whether involving churches, organizations, or parents. It does so by declaring religious resources as “**biased**” and **unreliable** resources for accurate information about sex and teaches students that *only* secular sources (like AFY and Planned Parenthood) have accurate information about sex. As such, the district’s AFY 3Rs Sex program demonstrates constitutionally forbidden government hostility towards religion and religious perspectives about human sexuality, including the sanctity of marriage.

The curriculum indoctrinates students with the mindset that secular viewpoints (i.e. Planned Parenthood and AFY) are true and “good” and that religious viewpoints (including Judeo-Christian views) are untrue or “bad,” stigmatizing, marginalizing, and defaming more than 75% of the OUSD district’s population, who identify as religious. This is neither inclusive, nor is it tolerant, nor does it foster diversity.

Third, one of the primary goals of CSE programs, including AFY’s 3Rs, is to promote the gender spectrum (LGBTQ+) as wholesale worldview replacement to the gender binary (male and female). The gender binary is the historical perspective of the Judeo-Christian tradition (shared by many other religions) that each person is either male or female—a perspective confirmed by history, biology, and genetics. But the goal of these radical CSE programs is not just to teach the gender spectrum as a possible optional secular belief, but as a full-fledged replacement of the gender binary—they actually want to “end the gender binary.” AFY 3Rs imposes the radical and extreme perspective of the gender spectrum on all students, communicating to them that what their parents or religious traditions have been teaching them about the gender binary is essentially a lie—and that feelings trump biology and reality. This full frontal attack on the gender binary is neither religiously tolerant, sensitive, inclusive, nor is it neutral. It evidences state animosity towards religion, period.

In summary, the AFY’s 3Rs curriculum, approved by OUSD, is neither neutral towards nor is it tolerant of religious perspectives on human sexuality. It clearly represents “[not-so] subtle departures” from government required neutrality towards religion and religious perspectives on human sexuality, and it evidences a clear government imposed “hostility” towards religious ideas and religious persons. And, although the ACLU claims to defend all First Amendment rights, including religious freedom, it’s blind support of the 3Rs curriculum as a good thing for religious kindergartners in OUSD, proves otherwise. Furthermore, the curriculum violates the Freedom of Speech.

The AFY 3Rs Curriculum and CSBA Policies Violate the Freedom of Speech by Coercing State-Approved Speech Regarding Human Sexuality

In addition to religious liberty, one of the bedrock principles protected against government intrusion by the First Amendment to the U.S. Constitution is the freedom of speech. Freedom of speech protects individuals against government control of not only their words, but also their thoughts and beliefs. There are many families and students in OUSD who affirm the historical, traditional, biological gender binary—that humans are born either male or female. They affirm that sex (gender) is objectively, genetically, and biologically

determined at birth cannot and should not be altered because of subjective feelings—either by hormone treatments or sex reassignment surgeries. Yet, these sincerely held beliefs are not respected or affirmed by OUSD. Ironically, in the name of ending discrimination, the radical CSE regime seeks to bully these families into silence and submission and into expressing affirmations that transgress their beliefs. Are they not entitled to conscience protections under the First Amendment?

Yet, similar to most of the CSE curricula, including AFY’s 3Rs, OUSD students are indoctrinated that they must use the proper pronouns and new names for individuals who have gender dysphoria (transgenderism). Also, in the wake of a slurry of new laws involving gender identity, the CSBA has for the past several years been circulating a proposed policy (5145.3) mandating that teachers and students use the “proper” names and pronouns for students with gender dysphoria, purportedly as a way to avoid discrimination and bullying. Specifically, a student or teacher is considered to have engaged in “gender-based harassment” for “refusing to address a student by a name and the pronoun consistent with his/her identity.” While many districts have blindly adopted this free speech crushing CSBA policy, some have not—citing its obvious unconstitutionality as a violation of the freedom of speech.

Another similar recent Orwellian attempt by the state of California to target ideological dissenters and coerce government speech was shot down by the U.S. Supreme Court in *National Institute of Family Life Advocates v. Becerra*, 138 S. Ct. 2631, 2379 (2018). There, the high court determined that the Reproductive FACT Act, requiring pro-life pregnancy care centers to share government approved messages regarding abortion, violated the First Amendment. Justice Kennedy, wrote a scathing concurrence, taking the California legislature to “school” for so flagrantly trampling on the freedom of speech in the cause of politically correct radical progressive ideology:

“The California Legislature included in its official history the congratulatory statement that the Act was part of California's legacy of “forward thinking.” App. 38–39. But it is not forward thinking to force individuals to “be an instrument for fostering public adherence to an ideological point of view [they] fin[d] unacceptable.” *Wooley v. Maynard*, 430 U.S. 705, 715, 97 S.Ct. 1428, 51 L.Ed.2d 752 (1977). It is forward thinking to begin by reading the First Amendment as ratified in 1791; to understand the history of authoritarian government as the Founders then knew it; to confirm that history since then shows how relentless authoritarian regimes are in their attempts to stifle free speech; and to carry those lessons onward as we seek to preserve and teach the necessity of freedom of speech for the generations to come. Governments must not be allowed to force persons to express a message contrary to their deepest convictions. Freedom of speech secures freedom of thought and belief. This law imperils those liberties.”

National Institute of Family Life Advocates v. Becerra, 138 S. Ct. 2631, 2379 (2018) (Kennedy, Concurring, joined by Roberts, Alito, and Gorsuch).¹⁹

Forcing teachers and students to “be an instrument for fostering public adherence” to an ideological viewpoint regarding transgenderism they find unacceptable is not forward thinking by state-actors, but is rather an elitist authoritarian attempt to stifle free speech. Even in the cause of promoting diversity and ending bullying, if we are to remain a truly free people, we must not never allow any government to force people to believe and express state-approved messages about controversial LGBTQ+ gender spectrum issues, especially those which are contrary to their deepest personal convictions. California’s public schools cannot be allowed to become politically correct indoctrination centers—neither for extreme early erotic child development nor for a genderless human future. The CSBA policies and CSE curricula, like AFY 3Rs, imperils not only the freedom of speech, but also the freedom of thought and belief. Tragically, California, once the birthplace of the free speech movement of the 1960’s, has now become one of freedom’s greatest enemies and persecutors. And one would think that the ACLU, once a bastion of defending the freedom of speech²⁰, would understand that the First Amendment protects both popular and unpopular ideas—including controversial ideas regarding human sexuality.

There is No State Mandated Sex Ed Curriculum and OUSD Has Discretion to Adopt an Existing Curriculum or to Write Its Own

There is a pervasive myth circulating among California public school districts that state-mandated curricula exists and must be adopted in order to comply with CHYA. This is completely untrue. In fact, public school districts are free to create their own curricula in compliance with CHYA. A sex education framework developed by the California Department of Education, or any curricula ASWG recommends, are merely examples of curricula which they believe are compliant with CHYA.²¹

That is why the ACLU’s reference to the Adolescent Sexual Health Working Group (ASWG) committee is so deceptive and misleading. Even though the ACLU references ASHWG and touts the AFY’s 3Rs curriculum in its letter, they completely fail to mention that the ASHWG’s curriculum review committee did not evaluate the AFY K-6 curriculum. In fact, ASWG only evaluated middle and high school curricula, precisely because CHYA only applies to those grade levels. ²² Furthermore, the ACLU fails to

¹⁹ The undersigned, Dean Broyles, served as co-counsel for the plaintiffs and petitioners in *NIFLA v. Becerra*.

²⁰ The ACLU and other free speech advocates often took to quoting Voltaire: “I do not agree with what you have to say, but I will defend to the death your right to say it.”

²¹ See California Education Code Section 33308.5(a): “Program guidelines issued by the State Department of Education shall be designed to serve as a model or example, and shall not be prescriptive. Program guidelines issued by the department shall include written notification that the guidelines are merely exemplary, and that compliance with the guidelines is not mandatory.”

²² <http://ashwg.org/resources/curriculum-review-california-healthy-youth-act/>

mention that it served on the initial ASWG curriculum review committee. ²³ Nor do they clarify that the ASWG's recommendations are not in any way binding or mandatory, but are merely exemplary. Obviously, even if they had reviewed the K-6 AFY program, just because an intentionally selected group of radical leftist sexual activist "experts," including the ACLU declare that a sex education program is "age-appropriate" does not mean it is objectively true. I trust the parents and teachers in OUSD and so should you.

School Districts Have the Legal Discretion to Adopt a Policy to Allow Families to Opt Out of Sexual Orientation and Gender Identity Instructions and the U.S. Constitution Requires It

The ACLU and others have taken the position that while school districts must allow families to opt out of controversial sex education instruction, they are legally forbidden to allow families to opt out of instruction or discussions of related issues including "gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family" if these discussions don't also involve "human reproductive organs and their functions."²⁴ This "carve out" is actually quite peculiar, since sex, and sex education, certainly involves much more than mere body parts and functions. Regardless, the viewpoint that such instruction is mandatory is not an accurate interpretation of the statute.

In fact, school districts may, in compliance with California law including CHYA, adopt a broader opt out policy allowing students to not participate in controversial and culturally sensitive issues including gender, gender identity, sexual orientation, etc., even if body parts and their functions aren't discussed. Indeed, a local school board is not mandated to force students to participate in sensitive and controversial subjects and certainly may, out of respect for families, exercise its discretion and local control to provide an opt out policy for parents regarding these issues. In other words, just because the CHYA doesn't strictly mandate an opt out here, doesn't mean that a district can't provide one. In fact, as a constitutional attorney, I strongly believe that a proper respect for parental rights and for honoring of religious freedom dictates that a school district may not coercively force students to participate in such instruction.

Advocates for Youth, SIECUS, and the ACLU Hold to the Extreme Worldview-Transformative Belief That Little Children Have "Inalienable Sexual Rights" Separate and Apart From Their Parents and Religious Communities.

What is the radical and extreme worldview to which I am referring? It is the belief that children, even very young children, are essentially completely autonomous sexual beings, whose sexual beliefs and practices should exist completely separated from, and independent from parental influence, cultural ethics, and religious values. As such, they

²³ http://ashwg.org/wpcontent/uploads/2016/12/CurriculaCoverPage_12.22.16_logo_FINAL.pdf

²⁴ Section 51932(b): "This chapter does not apply to instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions."

believe, and explicitly or impliedly advocate, for children to have unrestricted sexual information and the right to engage in sex as soon as they feel like it. For them, age appropriateness is a ruse, because when it comes to comprehensive sex education, nothing is “too much, too soon.” Let’s highlight some of the evidence here.

First, they believe that very young children have an absolute right to sexual information, with few, if any, restrictions on how graphic and extreme that information may be. Advocates for Youth’s Mission and Vision Statement declares without any basis that youth have the “**inalienable right**” to sexuality information²⁵ and encourages school districts to provide comprehensive sex education (CSE) from “kindergarten through 12th grade.”²⁶ SIECUS, an organization that often partners and issues joint press releases with both AFY and the ACLU regarding the central importance of CSE²⁷, believes that “good sexual and reproductive health is a **human right**.”²⁸ Furthermore, the ACLU often partners with abortion advocate Planned Parenthood, including in the promotion of extreme CSE in California.²⁹ The ACLU agrees not only by shilling for AFY’s extreme 3Rs sexuality instruction nationally, but by boldly declaring the radical and baseless perspective that “[e]fforts to derail comprehensive sexuality education or to impose abstinence-only curricula **violate civil liberties**.”³⁰

Confirming and cementing its radically transformative sexuality worldview, SIECUS boldly declares, in patently radical Marxist terminology, that they must change the way we think about sex:

- “SIECUS advances comprehensive sexuality education as a **means of building a foundation for a long-term culture shift** that will positively impact all levels of society, particularly issues of gender equity, sexuality, sexual and reproductive health, consent, personal safety, and **autonomy**.”
- SIECUS uses a **rights-based framework** to inform our approach, **reshaping cultural and societal narratives of sexuality** and sexual and reproductive health.
- SIECUS commits to working to **dismantle the systems of power and oppression** which perpetuate disparate sexual and reproductive health outcomes and **incubate stigma and shame around sex** and sexuality across the intersections of age, race,

²⁵ “Youth have the **inalienable right** to honest sexual health information; confidential, consensual sexual health services; and equitable opportunities to reach their full potential (emphasis added).”

<https://www.advocatesforyouth.org/wp-content/uploads/storage//advfy/documents/Factsheets/YouthPolicyAgenda-final-v3.pdf>, p 16.

²⁶ *Id* at p. 5.

²⁷ See, <https://www.aclu.org/news/aclu-advocates-youth-and-siecus-say-government-funded-abstinence-only-until-marriage-materials>

²⁸ See, <https://siecus.org/about-siecus/>

²⁹ See, <https://www.aclunc.org/sites/default/files/tools.pdf>

³⁰ See, <https://www.aclu.org/other/campaigns-undermine-sexuality-education-public-schools>

size, gender, gender identity and expression, class, sexual orientation, and ability.”

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Second, they believe that children should be experimenting with their sexuality and sexual activity as young as possible. Implied in the very concept of discussing advanced concepts regarding sex and sexuality in kindergarten is the belief that pre-pubescent children need to learn that sex and engaging in sexual activities is a real option for them (it is a “right”)—or at least very soon will be. However, as discussed above, there is little or no concern about whether the sexuality information provided (or the sexual activities groomed or fostered thereby) is age appropriate, medically accurate, or whether it may be psychologically or physically harmful to children.

Third, they believe that children’s inalienable sexual rights are completely independent of parental rights and involvement (and that the beliefs and practices of faith communities are wrong and must be replaced). For example, AFY believes that if your 13-year-old is pregnant, “including parents or other loved ones in their health care decisions is not a requirement for receiving care.”³² In fact, AFY is advocating to “end federal and state requirements of parental notification and consent for young people under 18 seeking health care....” As discussed above, AFY 3Rs curriculum indoctrinates children that religious resources about sex, presumably including your pastor or parents, are biased and unreliable, while secular resources like Planned Parenthood are unbiased and completely reliable. The ACLU has not one whit of concern about whether the information provided is in any way undermining to family values inculcated by the child’s parents, religious or otherwise. And, though the ACLU feigns to advocate for religious liberty, there is no concern about whether the extreme sexuality education subverts values about human sexuality inculcated by other important community stakeholders, including religious communities.

In California, the ACLU has repeatedly proven themselves to certainly be no friend of informed and concerned California parents. Rather, they have become the intrepid enforcers of CHYA and the extreme curricula resulting therefrom—supposedly advocating for children and youth. However, by repeatedly taking sides *against* children, parents, families, and well-established civil rights, they are clearly communicating that it they (ACLU, SIECUS, AFY and Planned Parenthood) and the liberal elite educational system they control have an extreme agenda and that they know better than parents regarding how to educate your child sexually.

In fact, the ACLU has quite a pattern of intimidating parents and districts who raise concerns about the extreme sexuality curricula like 3Rs—threatening litigation if they don’t get their way. In Orange County, for example, the ACLU sent a threatening letter to the Orange Unified School District. While the correspondence acknowledged that the district did not have to adopt any of the state recommended curriculum (i.e. Teen Talk), it nonetheless demanded that the district adopt a curriculum as quickly as possible. In such correspondences, the ACLU often takes an anti-parent position, alleging that parents do

³¹ See, <https://siecus.org/about-siecus/> (emphasis added).

³² *Id.* at p. 6

not have the right to dictate what curriculum is used or what information is provided to students in public schools, but only possess the limited right to review the curriculum and opt out.

However, the case explicitly or implicitly relied upon for this rejection of parental authority, *Fields v. Palmdale*, 427 F.3d 1197 (9th Cir., 2005),³³ does not address sex education, in general, nor CHYA, in particular. Furthermore, this anti-parent decision, actually contradicts California's separate clear acknowledgment of parental rights, including the CHYA's acknowledgement of their right to train their children regarding human sexuality and to opt out (*See* E.C. Section 51937). Even more importantly, it undermines, if not utterly contradicts, established precedent of the U.S. Supreme Court,³⁴ which clearly affirms parental rights. The Ninth Circuit is the most overturned federal circuit, and the severely misguided anti-parent decision in *Fields v. Palmdale* would very likely be reversed by the U.S. Supreme Court—a court which very recently affirmed both the free exercise of religion (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*) and the freedom of speech (*NIFLA v. Becerra*) when these rights were directly threatened by new state laws promoting sexual liberty.

Conclusions

So, why is the ACLU pushing the district so far beyond what CHYA requires, advocating for very early childhood sexuality education in OUSD? Simply put, it is because they are acting consistently with their extreme worldview. They actually believe that little children have these non-existent “inalienable sexual rights” (which they, by fiat, have only recently fabricated and declared), and that they therefore have a legal and “moral” obligation to radically transform the way children think about sexuality and behave sexually—and thereby transform the entire culture. And, by so doing, they are acting consistently with their radically transformative sexuality worldview, which seeks to actively remove and replace purported “backwards” and “outdated” Judeo-Christian religious beliefs and practices about human sexuality, including beliefs shared by many other world religions. A radical sexuality revolution is the goal. Intolerant indoctrination of our children in public school is the means.

Indeed, these radical Marxist sexual revolutionaries are extremely self-righteous, judgmental, and intolerant towards anyone or anything that gets in their way—the facts, truth, parents, the law, or medical accuracy. They are on a radical leftist (im)moral crusade

³³ “In summary, we hold that there is no free-standing fundamental right of parents “to control the upbringing of their children by introducing them to matters of and relating to sex in accordance with their personal and religious values and beliefs” and that the asserted right is not encompassed by any other fundamental right. In doing so, we do not quarrel with the parents' right to inform and advise their children about the subject of sex as they see fit. We conclude only that the parents are possessed of no constitutional right to prevent the public schools from providing information on that subject to their students in any forum or manner they select.” *Fields v. Palmdale*, 427 F.3d 1197, 1211 (9th Cir., 2005)

³⁴ “It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor. And is it the recognition of this that these decisions have respected the private realm of family life which the state cannot enter.” *Prince v. Massachusetts*, 321 U.S. 158 (1944).

of cultural transformation and our children and grandchildren are their unwilling test subjects—all paid for by your tax dollars in the public schools. Why start in kindergarten? It's simple. If they can start inculcating their extreme secular worldview early to the majority of children who are a captive audience in public education, they will be more successful in transforming social sexual norms, and, therefore transforming culture. That is why I believe that we see the ACLU pushing so hard for OUSD to reinstate their longtime partner AFY's radical sexuality education for five and six-year-old pre-pubescent children—in spite of overwhelming and appropriate parental and community opposition.

I am confident that OUSD would like to have as many students as possible participating in legitimate age appropriate, medically accurate, sexual education classes that are in much better alignment with community and family values. However, given that sex education is a matter of considerable importance, and that the Advocates for Youth 3Rs curriculum has generated significant controversy, both in Oceanside, San Diego, and other school districts throughout California, it would therefore serve OUSD and the citizens of Oceanside well to obtain input from parents, who would otherwise opt their children out of sex education classes. The district would be wise to avoid adopting controversial or offensive curriculums that will only serve to drive families out of OUSD schools, costing the district untold millions of dollars in tax resources and layoffs.

I therefore respectfully request that:

1. The OUSD Board permanently suspend the K-6 AFY 3Rs curriculum because it is not age appropriate, is not medically accurate, and it undermines parental rights, the freedom of speech and community values and, as such, violates mandatory provisions of CHYA and the U.S. Constitution.
2. The OUSD Board suspend the middle and high school AFY 3Rs curriculum until a suitable replacement can be identified by a committee of parents, teachers, and community leaders, representing a broad spectrum of the community, as an age appropriate, medically accurate program that does not undermine parental and community values.
3. Once OUSD identifies a new curriculum, OUSD shall post the entire curriculum and all materials on its website for 90 days before adopting it and shall notify parents that they can visit the website to review the curriculum at their convenience, and that they will provide a "Comments" section on the website so that parents can provide input regarding the new curriculum.
4. Out of respect for diversity, inclusion, and tolerance, for the approximately 75% of OUSD families with differing cultural and religious beliefs and practices regarding human sexuality, including, but not limited to marriage, same-sex relationships, and gender identity, create a broader opt out policy so that families can opt out of controversial portions of instruction discussing human sexuality, even outside of the sex education context. I have a legally-compliant model opt out policy that I can share with you.

Thank you again for your immediate attention to the important matters addressed in this letter. I look forward to your anticipated courtesy and cooperation in acknowledging, honoring, and respecting the parental rights of families in the OUSD. Please feel free to contact me at either (760) 747-4529 or dbroyles@nclplaw.org if you wish to discuss this matter further.

Should you have any questions, please direct them to me at The National Center for Law and Policy.

Sincerely,

A handwritten signature in blue ink that reads "Dean R. Broyles". The signature is written in a cursive, flowing style.

Dean R. Broyles, Esq.
President & Chief Counsel
THE NATIONAL CENTER FOR LAW & POLICY

cc.

Eleanor Juanita Evans, Board President (via e-mail)

Mike Blessing, Board Vice President (via e-mail)

Eric Joyce, Board Clerk (via e-mail)

Raquel Alvarez, Board Member (via e-mail)

Stacy Begin, Board Member (via e-mail)