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Court Halts Maryland Pro-Gay Curriculum

Parents succeeded in halting implementation of a controversial sex-education curriculum in Montgomery County, MD when a federal judge issued a temporary restraining order against the county school district in early May. The judge's order prompted the school board to completely scrap the program, which was to have started on May 6. Observers cannot remember any other case in the last 30 years in which a judge sided with parents against a sex-education curriculum adopted by a school board.

Stating that the curriculum imperils parents' and children's First Amendment and Establishment Clause rights, Judge Alexander Williams, Jr. found that the curriculum "presents only one view on the subject — that homosexuality is a natural and morally correct lifestyle — to the exclusion of other perspectives." Moreover, the program attempts to portray some churches' views as theologically sound and others as unsound, he concluded.

The curriculum includes such statements as "Myth: Homosexuality is a sin. Facts: The Bible contains six passages

which condemn homosexual behavior. The Bible also contains numerous passages condemning heterosexual behavior."

Course hits 'church homophobia'

"Fortunately," the curriculum continues, "many within organized religions are beginning to address the homophobia of the church. The Nation [sic] Council of Churches of Christ, the Union of American Hebrew Congregations, the Unitarian Universalist Association, the Society of Friends (Quakers), and the Universal Fellowship of Metropolitan Community Churches support full civil rights for gay men and lesbians, as they do for everyone else." It endorses the position of the Anglican Church of Canada and compares Baptist churches' opposition to homosexuality to their earlier defenses of racial segregation.

The Clinton-appointed judge, who happens to hold a divinity degree, wrote that "The public interest is served by preventing [the school officials] from promoting particular religious beliefs in the public schools and preventing [officials] from disseminating one-sided information on a controversial topic." Quoting Jus-

tice Felix Frankfurter, he noted that "the public school must keep scrupulously free from entanglement in the strife of sects."

In addition to promoting homosexual lifestyles, the curriculum teaches children that "morality is a more subjective issue" and that people "form a variety of [sexual] relationships lasting from one night to many years." A video designed for 10th-graders shows a girl putting a condom on a cucumber. No mention is made of diseases associated with homosexual behavior.

Since the school board unanimously approved the curriculum last November, parental protests have grown louder. (See *Education Reporter*, Jan. 2005.) Catholic parishes launched a petition drive with the encouragement of the Archdiocese of Washington, DC.

In March, the school system announced that three high schools and three middle schools would participate in a pilot program for the course, which was developed with the input of a citizens' advisory committee in the liberal-leaning county. The school board refused to meet with one of the plaintiffs, Citizens for a Responsible Curriculum, even after it presented more than 4,000 signatures in April opposing the course. Suit was filed May 3 with the aid of the public-interest law firm Liberty Counsel.

"This shows that parents, even in a very liberal area, can fight back and win," commented Robert Knight, director of the Culture & Family Institute. (foxnews.com, 5-9-05)



Frame from cucumber-on-condom video



Judge Alexander Williams, Jr.

Parental Consent Vetoed For Mental Health Tests

Efforts to require parental consent for mental health screening in schools were dealt a setback in late April when Arizona Gov. Janet Napolitano vetoed a bill passed by the legislature for that purpose.



Gov. Napolitano

Calling the bill "overbroad," the governor axed S.B. 1270 on the ground that it "could be construed to apply to a variety of everyday questions that teachers should (and do) pose to children" and "may unduly restrict the ability of teachers and administrators to react in emergency or crisis situations where students pose a threat to the safety of themselves or others."

How the bill could have either effect alleged by Gov. Napolitano is unclear. The bill required parental notification and consent only for "behavioral or mental health screening," requests for disclosure of "personal information about the pupil's or pupil's family's behavioral or mental health history," or any required "survey, assessment, screening, analysis or evaluation used to detect any behavioral or mental disorder or illness."

Arizona Sen. Karen Johnson (R-Mesa), one of the bill's sponsors, said she was "dismayed" by the veto and vowed to push the bill again next year. "Is it so difficult for the governor to appreciate that parents are the ones responsible for making judgments about their children's well-being, not school officials and bureaucrats?" she (See *Mental Health Screening*, page 4)



Sen. Johnson

Excerpts from the Opinion

Judge Williams's 23-page opinion accompanying his temporary restraining order included the following statements:

"[T]he Court finds irreparable harm to Plaintiffs on the basis of potential restrictions to their First Amendment liberties. ... Defendants have presented this Court [with] no evidence as to why the pilot schools could not simply use the original curriculum through the end of this year. ...

"The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.' ... The Revised Curriculum notes that 'Fundamentalists are more likely to have negative attitudes about gay people than those with other religious views.' The Revised Curriculum also paints certain Christian sects, notably Baptists, which are opposed to homosexuality, as unenlightened and Biblically misguided....

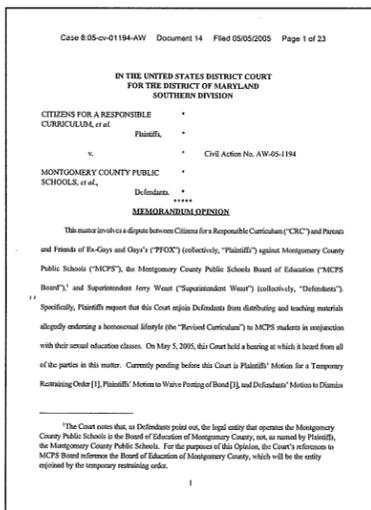
"Most disturbingly, the Revised Curriculum juxtaposes this portrait of an intolerant and Biblically misguided

Baptist Church against other, preferred churches, which are more friendly towards the homosexual lifestyle. ...

"The Court is extremely disturbed by the willingness of Defendants to venture — or perhaps more correctly bound — into the crossroads of controversy where religion, morality, and homosexuality converge. The Court does not understand why it is necessary, in attempting to achieve the goals of advocating tolerance and providing health-related information, Defendants must offer up their opinion on such controversial topics as whether homosexuality is a sin, whether

AIDS is God's judgment on homosexuals, and whether churches that condemn homosexuality are on theologically solid ground. ...

"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."



Firearms and Soldiers Receive A Rocky Reception in Schools

Schools and college campuses can be hostile terrain for firearms and military values.

A variety of restrictions on pictures of guns and military recruiters' access to campuses make life more difficult for aspiring soldiers.

A Salem, OR high school student was told in March that she could not post a photograph in the classroom showing her tough-looking Marine brother holding a rifle with two buddies. She brought the picture to school for an assignment showing the school's graduates at work. The principal vetoed the

picture because two of the soldiers are seen holding weapons. The family was told that only digital removal of the rifles

would make the photo acceptable, a solution that the Marine brother found unacceptable.

After an uproar ensued, district officials approved an alternative photo of the brother holding a less-visible weapon and focusing on a young Iraqi boy wearing a Marine T-shirt.

"I want educators to be truthful," said the mother of the soldier and the student, Connie Riecke. "This is a career choice, and children need to know that this is an (See *Military*, page 4)



Photo that was not allowed to be posted in Salem, Oregon school

EDUCATION BRIEFS

Nearly 1 in 10 students will experience teacher sexual misconduct, and the perpetrators are seldom disciplined or reported to police, according to a July 2004 report by Hofstra University professor Charol Shakeshaft for the U.S. Department of Education. Three female teachers were busted in one week in New York City in April for allegedly molesting students. In the same month in Florida, a 360-pound male teacher was arrested and charged with molesting a 13-year-old male student nearly 100 times.

B.C. and A.D. no longer P.C. Educators in schools from North America to Australia are increasingly using the abbreviations B.C.E. (before the common era) and C.E. (common era) instead of the traditional B.C. (before Christ) and A.D. (Anno Domini), which were in use even before adoption of the Gregorian Calendar in 1582. Most major textbook companies have adopted the new terms, which are part of the national world history standards. (*Washington Times*, 4-25-05) When the new terms landed in a national test in Australia, a *Telegraph* headline there declared: "‘Mad’ bureaucrats censor Jesus Christ."

School mistakes large burrito for weapon. In Clovis, NM, someone called police after seeing a boy enter Marshall Junior High carrying something long and wrapped. Armed officers hit the rooftops, closed streets and locked down the school. After two hours, the suspicious item was identified as a 30-inch burrito filled with steak and guacamole. (*newsday.com*, 4-29-05)

Berkeley teachers stop homework assignments after two years with no pay raise. Teachers in the California district, with backing from their union, protested by refusing to grade work on their own time. A black history event had to be canceled and parents had to staff a middle school science fair. (*Associated Press*, 3-1-05)

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Resistance to NCLB Mounts, But Suits and State Laws Appear Futile

Utah Passes Defiant Law; NEA Sues; Texas Financed

Critics of the federal No Child Left Behind law can point to a series of recent clashes between states or teachers unions and the federal government as evidence of a groundswell of resistance to the sweeping new federal mandates in the law. While conflict makes for dramatic headlines, the resistance seems more symbolic than substantive. It is unlikely to have a real impact inasmuch as states are loath to part with the federal funds that come with NCLB strings attached.

In May, Utah Gov. Jon Huntsman signed a bill passed by the Republican-led Utah legislature stating that the state's own educational accountability plan takes precedence over NCLB, and authorizing state education officials to ignore provisions of federal law that conflict with the state's program. Utah's method of measuring student achievement compares performance as students progress from grade to grade. NCLB compares test scores of students to students in the same grade level from previous years.

U.S. Secretary of Education Margaret Spellings warned before passage that the Utah bill seems "designed to provoke noncompliance" and jeopardizes some \$76 million in annual federal money. But Utah Superintendent of Education Patti Harrington subsequently vowed that Utah will "remain absolutely compliant" with NCLB (*Education Week*, 4-27-05), so it is hard to see what the fuss is about.

Hard on the heels of Utah legislature's action in April, the National Education Association plus ten affiliates and three school districts sued U.S. officials in federal court in Detroit, arguing that NCLB is being implemented illegally because federal underfunding has forced states to use their own money to carry out its mandates. NCLB specifically states that "Nothing in this act shall be construed to . . . mandate a state or any other subdivision thereof to spend any funds or incur any costs not paid for under this act."

No state joined the NEA's suit, but Connecticut Attorney General Richard Blumenthal subsequently announced interest in filing a separate lawsuit against the Education Department on similar grounds.

No lack of federal money

Both suits face an uphill battle. The states receive on average \$1,000 in federal money per student, and they will be hard-pressed to show that compliance costs exceed that figure. Three independent studies and two General Accounting Office reviews have shown that federal funding more than covers the costs of implementation. Moreover, federal support for K-12 schooling has risen by nearly two-thirds since 2001, and participation in that funding is optional. (*Wall Street Journal*, 4-25-05)

The NEA's own general counsel

stated in a confidential memo two years ago that NCLB is a mandate only if states accept federal education funds, a position that undercuts the union's argument in its lawsuit. (*Washington Times*, 5-1-05)

Also in April, the Education Department announced it would withhold \$444,282 of federal money from Texas because state officials failed to meet the deadline for informing parents of their right to transfer their children out of struggling schools. It represented the third and largest such fine imposed by the department.

Five other lawsuits have been filed in federal and state courts around the country concerning certain provisions of NCLB. Three have been dismissed so far.

The California legislature passed a resolution last August criticizing NCLB and calling on Congress to exempt California schools from key provisions of the law. The measure contends that NCLB duplicates state accountability standards and penalizes schools with low-income and minority enrollments.

'Excessively intrusive'

The National Conference of State Legislatures issued a report in February assailing NCLB as a flawed, convoluted and unconstitutional reform effort that usurps state and local control of public schools. "Under NCLB, the federal government's role has become excessively intrusive in the day-to-day operations of public education," the bipartisan panel declared. Complaints centered on the law's accountability system, which punishes schools whose students fail to improve steadily on standardized tests.

Notwithstanding the sound and fury from legislators, the public strongly supports NCLB's requirements and doesn't want to see its goals diluted, according to a report issued in March by the Public Education Network. In nine public hearings in eight states, some concerns did surface: giving grade-level tests to students with disabilities, the stigma of labeling a school as failing based on a test, and the sacrifice of higher-level courses for honors or gifted students in favor of remedial work for low performers.

Secretary Spellings has already signaled that testing of students with disabilities will be modified, and if states are raising student achievement her department will be more flexible on compliance details.

Evidence of progress

Some progress in student achievement has in fact been observed since NCLB. Improved student achievement was reported by 36 out of 49 states and 72% of 314 districts surveyed by the Center on Education Policy. Gaps between minority and white students are also nar-

(See NCLB, page 4)

Book of the Month



FIRE's Guide to Free Speech on Campus, David A. French, Greg Lukianoff and Harvey A. Silverglate, Foundation for Individual Rights in Education, 2005, 174 pp., \$3.95 at www.thefireguides.org.



Anyone who thinks the constitutional right to free speech is respected on college campuses should consider the recent case of Southern Illinois University-Carbondale history professor Jonathan Bean, a self-described "lone libertarian-conservative on a campus that lacks ideological diversity." His life hasn't been the same since he offered his 20th-century American history students an optional reading consisting of a handout of an abridged article from *FrontPageMagazine.com* describing a series of 71 murders perpetrated by a group of black men against white civilians in San Francisco between 1972 and 1974.

Apparently because a portion of the article not included in the handout contained a link to a European-American ethnocentric web site, his department chairman became "hysterical" and re-assigned two of Bean's three graduate assistants (both African-American) to another course at their request. Eight fellow history professors wrote a letter to the campus newspaper distancing themselves from what they described as a practice of distributing racist propaganda to students.

Bean, who had been named the university's Outstanding Teacher of the Year, promptly apologized and withdrew the optional reading assignment in order to defuse the controversy. However, the onslaught by the history department faculty continued and he is considering legal options. (*Southern Illinoisian*, 4-28-05)

The legal options available to students and to faculty like Bean are lucidly explained in *FIRE's Guide*, which has a strong pro-free-speech point of view. It reviews the history of U.S. laws restricting speech, the current state of the constitutional case law relevant to college campuses, and the weapons available to students and employees confronting repressive speech restrictions on a college campus.

The Guide describes effective responses *FIRE*, a Philadelphia-based civil liberties organization, has made to university speech codes, limited free-speech zones, newspaper theft, crackdowns on satire or parody, restrictions on religious speech or association, burdensome fees for controversial speakers, unequal access for certain student groups, and other techniques used by colleges to repress unpopular points of view. The different legal climates affecting public and private universities

(See Book Review, page 4)

FOCUS: Educrats Leave Black Kids Illiterate

by Onkar Ghate



Onkar Ghate

“Balancing” phonics instruction and whole language is like “balancing” food and poison.

The educational tragedy in Rockford, IL, now making national headlines, echoes a larger tragedy. At Lewis Lemon elementary school, with a student body described by the *New York Times* as “80% nonwhite and 85% poor,” 3rd-graders scored near the top in statewide reading tests. Their results were bested only by students at a school for the gifted. How were the results achieved? Teachers used reading lessons “heavy on drilling and repetition, that emphasize phonics — that is, learning words by sounding them out.” This approach, however, is deemed too extreme by the new school superintendent, who is phasing it out.

In discarding success, Rockford is following the demands of the still-dominant voices in the nation’s schools of education. They insist that phonics instruction be balanced with its antipode, the whole language “method.” Because “reading is such a complex and multifaceted activity,” explains Dr. Catherine Snow, professor of education at Harvard, “no

single method is the answer.” This is like saying that because eating is “such a complex and multifaceted activity,” no single method can guide us, and that a proper diet must therefore contain a mixture of food and poison.

The controversy over how to teach reading is not a narrow, technical dispute. It is a broad, philosophic disagreement, with crucial educational implications. The phonics proponents maintain that human knowledge is gained objectively, by perceiving the facts of reality and by abstracting from those facts. These proponents, therefore, teach the child directly and systematically the basic facts — the sounds that make up every word — from which the abstract knowledge of how to read can be learned.

Supporters of whole language, by contrast, believe that the acquisition of knowledge is a subjective process. Influenced by John Dewey and his philosophy of Progressive education, they believe that the child must be encouraged to follow his feelings

irrespective of the facts, and to have his arbitrary “opinions” regarded as valid. On this premise, the child is told to treat the “whole word” as a primary, and to draw

his conclusions without the necessity of learning the underlying facts. He is taught this — in spite of the overwhelming evidence, in theory and in practice, that phonics instruction works and whole language does not.

In learning to speak, a child has already performed a tremendous cognitive feat. To read, he must now grasp the connection between the black marks he sees on paper — which to him are like hieroglyphs — and the spoken words he already understands. Systematic phonics instruction teaches a child to break the code of written language.

Spoken language is made up of discrete units of sound, called phonemes, like the “b” sound in “bat” or “boy.” Phonics teaches a child to break down spoken words into their phonemes and to symbolize them by written letters.

The child learns how to sound out each word through its component letters. Reducing reading to a manageable set of rules quickly enables a child to read almost any word — and to experience reading as something easy and pleasurable and mind-opening.

This is what supporters of whole language condemn as “constraining” and “uncreative.” Analyzing language by abstract rules that connect phonemes to letters, one of them says dismissively, imposes “an uptight, must-be-right model of literacy.”

Instead, they argue that the child ought to focus on an entire written word, like “hospital” or “boomerang,” and learn it as the teacher pronounces it. Having no method to reduce the tens of thousands of written words to a manageable set of rules, however, the child must treat each

word as a unique symbol to be memorized — an impossible feat.

What is the child to do when he encounters a word he has not yet memorized? He must guess. Here is what some whole-language advocates suggest the child do: “Look at the pictures” (what if the book does not contain pictures?); “Ask a friend” (is reading not a solitary activity?); “Look for patterns” (why not systematically teach him “patterns,” that is, phonics?); “Substitute another word” (is this teaching?). Conspicuously absent is: “Look in a dictionary” — because the child crippled by whole language cannot read a dictionary.

Whatever twisted mental processes the child is supposed to go through, it is a linguistic corruption to call this a method of reading.

The use of whole language results in nothing but illiteracy. (California, for example, which tried this approach in the late ’80s, abandoned it after reading scores plummeted.) The seeming “successes” of whole language occur only when phonics is smuggled in — that is, when the child (on his own or with the help of teachers or parents) secretly decodes written language by discovering that, say, the words “banana,” “boat” and “box,” which he has memorized, have a similar initial sound and begin with the same letter.

What our schools need is not “moderation,” but phonics instruction. We would consider it child abuse to add contaminated food to a child’s diet for the sake of “balance.” We should consider it the same when educators add whole language to reading instruction.

Onkar Ghate, Ph.D. in philosophy, is a senior fellow at the Ayn Rand Institute in Irvine, Calif. Copyright © Ayn Rand® Institute. Reprinted with permission.

Balancing phonics instruction and whole language is like balancing food and poison

The use of whole language results in nothing but illiteracy

At Last, Common Sense on Title IX New Rules Permit E-mail Surveys of Interest in Sports

New federal guidelines to measure compliance with Title IX let colleges use an internet survey to determine whether women’s interests in competitive sports are being accommodated.

Title IX, the federal law against sex discrimination in education at schools receiving federal funds, has long been interpreted to effectively impose gender quotas on college sports. Colleges have been forced to eliminate hundreds of men’s sports teams, such as wrestling, in order to keep the numbers of men and women participating in athletics proportional to their enrollment numbers. Critics have charged that such an interpretation wrongly assumes that college women want to engage in sports in the same proportion as men.

In March, the U.S. Department of Education issued new guidelines stating that an e-mail survey of students may demonstrate that the interests and abilities of women have been accommodated by the present program.

Two years ago, a presidential commission reviewing Title IX considered proposals to allow schools wider use of surveys to prove compliance. Then-Education Secretary Rod Paige rejected those proposals.

But no sanity on coed wrestling

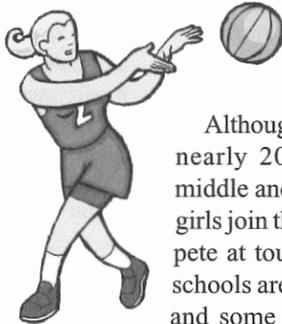
The practice by some wrestling teams of forfeiting a match rather than have a boy wrestle a girl is under attack in Washington State, where a father has filed a Title IX complaint against the Vashon Island school district.

Although not required by Title IX, for nearly 20 years Washington public middle and high schools have had to let girls join their wrestling teams and compete at tournaments. However, private schools are not bound by the same laws, and some Christian schools choose to forfeit boy-girl wrestling matches as a matter of policy. Wrestling rules traditionally allow a forfeit for any reason, and even public schools have let male wrestlers forfeit coed matches.

The father of a 7th-grade girl wrestler argues that by allowing private schools with such forfeit policies to compete against public schools in league tournaments, the public schools are violating Title IX, which does not apply directly to private schools receiving no federal funds.

A related issue is whether the sports league is a “public actor,” which can’t allow discrimination between girls and boys. (*Seattle Times*, 5-7-05) In the Michigan case described below, a similar league was held to be a public actor.

(See Title IX, page 4)



Mental Health Screening (Continued from page 1)

asked in a commentary in the *Arizona Republic* (5-2-05).

Support for a parental-consent requirement for school-based mental health screening is picking up steam in light of the recommendations of the New Freedom Commission on Mental Health cre-

ated by President George W. Bush in 2002. The commission recommends "routine and comprehensive" mental health screening and testing for every child in America. (See *Education Reporter*, May and Feb. 2005.)

**Book Review** (Continued from page 2)

are spelled out. This is a useful "how-to" manual. It arms the reader not only with technical legal arguments but also with outstanding sound bites sure to embarrass administrators.

For some readers, the scope of college free speech espoused by this book may seem too broad. Taken to their logical conclusions, the arguments would appear to prohibit public universities from reining in, for instance, a student publi-

cation devoted to pornography.

For the many conservative students harassed by left-wing college officials, however, the FIRE Guide, and the legal support of the FIRE organization, can be a godsend — literally. As recently as May, a FIRE letter took only three days to persuade Princeton University's president to change course and recognize a student evangelical group.

**NCLB** (Continued from page 2)

rowing, according to the report released in March.

Urban districts continued to show academic progress last year, concludes a report by the Council of the Great City Schools issued in late March. More than half the 4th-graders in the districts examined scored at or above the "proficient" level on mandated reading and mathematics tests for the first time since NCLB was signed three years ago. Seven in 10 cities improved math scores in all grades tested in 2004, up from just under half in 2001.

One of those cities, Philadelphia, saw some of the most significant test-score gains. Paul G. Vallas, head of the Philadelphia schools, said that NCLB has helped his and other districts produce better results by focusing them on instruction and holding them accountable for improving it. (*Education Week*, 4-6-05)

NCLB's major goal is to bring all students to proficiency in reading and math. The law requires states to test annually in grades 3 through 8 and disclose the results according to race, income, language and disability status. Students in failing schools may transfer to a better school and receive tutoring from outside the school system. NCLB passed Congress overwhelmingly.

The right to transfer appears to be the least successful aspect of the law. Only 1% of eligible students actually transferred to a higher-performing public school last year, and Secretary Spellings

has found it necessary to allow districts to refuse transfers if they lack space in high-performing schools.

Tutoring is a way out

However, the right to transfer has become less significant since under NCLB low-income parents in persistently underperforming schools may now request tutoring at federal expense. Tutor-

ing is picking up, with 11 states reporting that 20% or more of eligible students received supplemental educational services last year. (*Education Week*, 3-23-05) The tutoring option is still new, and districts have much work

to do in notifying parents and arranging to make qualified tutors available.

Tutoring offers some advantages over a change of schools, including one-on-one instruction and the possibility of private-sector, non-union tutors. Tutors must be on a state list of approved providers. So far more than 1,000 providers have secured places on state lists, of whom 63% are based in the private sector. (*Education Week*, 2-25-04)

Still to be dealt with is NCLB's blunt instrument of requiring "adequate yearly progress" in test scores by all subgroups, which has been justly criticized as rigid and impractical. A prediction: If those requirements are unworkable, the Education Department will figure out a way to relax them.

For additional history of states' and union officials' objections to NCLB, see *Education Reporter*, Apr. 2004.

**Title IX** (Continued from page 3)**Michigan sports scheduling**

A Michigan sports league's long-running court battle over the scheduling of high school girls' sports entered a new phase in May when the U.S. Supreme Court told a federal appeals court to revisit the case in light of a recent decision by the high court in another case.

The Michigan case was brought by mothers of female athletes who challenged Michigan's practice of scheduling

girls' basketball in the fall and volleyball in the winter, the opposite of when colleges play those sports. Boys' teams are scheduled to match the college schedules.

The lower federal courts found a violation of the Constitution's Equal Protection Clause. The effect of the Supreme Court's latest action is potentially to limit the plaintiffs' remedies to Title IX, which is more specific and narrower in scope than the Equal Protection Clause.

**Military** (Continued from page 1)

important but dangerous job." (*Statesman Journal*, 3-25-05)

Also in Salem, student marksmen may not have a pistol embroidered on their letterman jackets, and teenage hunters are not permitted to wear T-shirt images of themselves standing with rifles and bagged quarry. Officials cite the district's zero-tolerance for weapons policy, although the policy does not mention pictures of weapons.

Mascot violates policy?

When a reporter asked about the school mascot, a Royal Scot carrying a sword, principal Cynthia Richardson replied, "So true. We might have to revisit that." (*katu.com*, 3-30-05)

In Indiana, a federal court ruled in March that a high school student's free speech rights were violated when school officials suspended him for wearing a T-shirt showing an M-16 rifle and the text of the Marine Corps creed. Nelson Griggs of Fort Wayne was suspended in 2003 for violating the dress code, which prohibits clothing depicting "symbols of violence."

"Griggs' shirt has no relation to the (school) board's legitimate concerns about school violence, nor is it likely to disrupt the educational process," the judge wrote in a 30-page ruling.

Avid trap shooter Blake Douglass of Londonderry, NH was barred last fall from using a photo of himself with his shotgun in his high school yearbook. The school board unanimously voted to support the school officials' position that the editors' rejection of the photo was proper in light of the school's zero-tolerance policy toward firearms. A federal district court in March found that the student's First Amendment rights were not violated by the decision because it was made by the student editors and there was no state action.

Marine uniforms flap

A suburban Chicago high school initially barred two teenagers from showing off their Marine Corps dress uniforms at their May graduation ceremony. The two students completed high school early, in December, in order to join the Marines and attend boot camp.

Nearly 350 students and teachers at Warren Township High School signed a petition requesting that the two be allowed to wear the uniforms instead of caps and gowns. The school board then voted 6-0, with one abstention, to permit the uniforms.

Defense Department spokeswoman Lt. Col. Ellen Krenke told the *Daily Herald* she had never heard of a similar situation. "Not many people have been through Marine Corps boot camp," she noted. "It's a very lofty achievement." (4-13-05)

Hurdles for recruiters

Military recruiters face obstacles at some high schools and colleges, despite federal laws in their favor. The No Child Left Behind Act requires school districts to give military recruiters the same ac-

cess to high schools as is given to college or job recruiters, and schools are required to turn over students' names, addresses and phone numbers to recruiters unless parents write the school that they don't want their child contacted by the military.

The California Department of Education had to threaten a cutoff of federal money to districts in San Francisco, Santa Cruz and Santa Monica if they didn't comply with the federal law. (*sfgate.com*, 3-2-05)

The Shorewood High School student newspaper in Wisconsin rejected \$3,000 in

military advertising based on a newly written "advertising policy" rejecting ads from organizations "deemed destructive to the social, economic and environmental health of the earth and all of its inhabitants." The student editor, the son of two English professors, said he refused to advance the cause of "warmongers" and branded the military as "both classist and racist." (*Milwaukee Journal-Sentinel*, 6-23-04)

Solomon Amendment attacked

In 1994 Congress passed the Solomon Amendment to require universities that receive federal funds to give equal access to military recruiters, and to deny defense-related funding to universities that don't allow ROTC programs. Many law schools have resisted giving access to military recruiters because of their faculty's objections to the military's "don't ask, don't tell" policy barring openly gay people from serving in the armed forces.

Faced with a loss of federal funding, some 31 law schools sued the Pentagon, arguing that the Solomon Amendment is unconstitutional based on First Amendment rights of free speech. The plaintiffs won a surprising 2-1 preliminary victory in the 3rd U.S. Circuit Court of Appeals last November.

In February, the U.S. House of Representatives overwhelmingly passed a resolution expressing support for the law, and in May the U.S. Supreme Court announced it will hear the dispute in its next term.

Judge hits back at Yale

An Alabama federal judge is retaliating in his own way against Yale Law School, his alma mater, which blocks military recruiters from campus. Senior District Judge William Acker Jr. wrote Yale in February that he won't accept Yalies for clerkships because of the university policy.

Military recruiters who are not barred from campus by university policy may even face literal hostilities. "A mob of Seattle Central Community College students chased military recruiters off campus" on presidential inauguration day in January "after a tense confrontation" that included "hurled insults and water bottles," the *Seattle Post-Intelligencer* reported (2-4-05).

A shocked recruiter said he was hit in the head with newspapers and was surrounded by "a mob of 500 people," some of whom tore up Army literature. The two recruiters had to leave under escort by campus security officers. Administrators backed off any disciplinary action against the students.

