



## **Citizens for Community Values of Indiana**

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April 17, 2006

Dr. Robert L. Zimmerman, Ed. D  
Superintendent  
South Bend Community School Corporation  
215 S. St. Joseph St.  
South Bend, IN 46601

Dear Dr. Zimmerman,

RE: Concerns about "The Day of Silence"

I am writing to inform you of complaints and concerns that have been raised to Citizens for Community Values of Indiana by citizens, business leaders and faith leaders regarding your school's (James Whitcomb Riley High School) publicized participation in the controversial pro-homosexual "Day of Silence" planned for April 25, 2008. I am not sure if you are aware that your participation is listed on the national websites of organizations at the front lines of the culture wars. You may not have known that your participation will be used by homosexual activists to promote the homosexual agenda to school aged children.

I am sure that your intention was thoughtful when you made the decision to weigh into the culture wars and take up the homosexual cause in your school. However what you may not have realized when you made this decision was the potential negative legal and public health and safety consequences of this choice for your school system, students, teachers and parents.

### **Legal Liability of Promoting the Homosexual Agenda in Schools**

Because of the fact that as many as 25% of adolescents sometimes question if they are gay because of their awkwardness relating to the opposite sex, but over 90% of those never self identify as gay after the age of 21, and because of the harms associated with this dangerous destructive lifestyle, schools who promote homosexuality to kids may be subject to legal liability if those children participate in dangerous sexual practices and contract deadly diseases such as AIDS or develop various psychological problems associated with homosexuality.

Since a school may not prohibit students from disagreeing with homosexuality or create a hostile environment for those with traditional values, many schools inadvertently violate the constitutional rights of students who respectfully oppose

any practice of the homosexual lifestyle for any number of legitimate reasons. This can and often does create a legal liability at the taxpayers' expense.

I am enclosing a booklet entitled, **The Legal Liability Associated with Homosexuality Education in Public Schools** for your convenience and education with respect to this issue. I am also enclosing a letter from my colleague **Matt Staver**, the Senior Counsel for **Liberty Counsel**.

**Many Schools are Canceling their planned "Day of Silence" Participation**

***Your school is one of only 16 schools in the entire State of Indiana still on the list to participate.*** Based on the concerns that are already being raised, I am officially asking you to cancel your pro-homosexual "Day of Silence" participation. I would be happy to meet with you and your principals at a mutually convenient time to review many of the facts surrounding the problem of promoting homosexuality in the schools. ***Of course we oppose all bullying and believe that everyone should be treated with respect.*** Unfortunately the highest incidence of actual violence against homosexuals is by other homosexuals, not heterosexuals.

Another unique aspect of this problem is how poorly homosexuals treat ex-gays.

True diversity is when you have people with different views who can freely and openly discuss them without malice. Repressing faith-based speech or the speech of those who do not believe, is wrong and a violation of the constitutional rights of students.

If you do not cancel the "Day of Silence" at your school, I am alerting you that parents and students who disagree can opt out and any attempt to punish students for opting out, or the failure to give the option would potentially be a cause for legal action.

Sincerely,



**Patrick E. Mangan**  
**Executive Director**  
**Citizens for Community Values of Indiana**

CC: Principal Edward Bradford, Jr., James Whitcomb Riley High School  
✓Matthew D. Staver, Esq., Liberty Counsel  
Citizens for Community Values of Indiana Board of Directors

Enc: "Liberty Counsel Letter regarding the GLSEN Day of Silence"  
"The Legal Liability Associated with Homosexuality Education in Public Schools"

# LIBERTY COUNSEL



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April 25, 2008 is the scheduled date for the yearly Day of Silence, sponsored by the Gay, Lesbian, and Straight Education Network ("GLSEN"). This student-led event, held in middle schools, high schools, colleges, and universities across the country, encourages students who are questioning their sexual orientation to remain silent for the duration of the school day. For those parents, students, and schools that do not wish to participate in the Day of Silence or wish to limit its effects, the following steps can be taken:

First, schools do not have to tolerate students remaining silent in class. Conduct on the part of a student that causes a substantial disruption or material interference with school activities is not permitted and is not protected under the First Amendment.

Second, schools can adopt policies that require parental consent for students to attend any club, including those premised on sexual orientation or gender identity. Parental rights in the educational arena do not end at the schoolhouse door. Obtaining parental consent as a prerequisite for membership will eliminate some students from these types of clubs.

Third, schools, especially those in states that have enacted sexual education statutes containing opt-out provisions and require abstinence, can pass a policy requiring clubs to comply with these legislative mandates.

Liberty Counsel will provide free information to parents, students, and schools regarding their rights associated with noncompliance on the Day of Silence. Liberty Counsel is a nationwide, religious liberty, public interest law firm dedicated to advancing religious freedom. Liberty Counsel has regional offices and affiliate attorneys throughout the country. As a nonprofit ministry, Liberty Counsel provides free legal advice and representation.

If you have any questions, please call 1-800-671-1776 or visit [www.LC.org](http://www.LC.org).

Sincerely,



Mathew D. Staver, Esq.

**The Legal Liability  
Associated with  
Homosexuality Education  
in Public Schools**

**An assessment of the risks and liabilities associated with  
policies and programs that normalize homosexual  
behavior in public schools**

**Citizens for Community Values**

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