



January 12, 2017

RE: URGENT CALIFORNIA EDUCATION ALERT—SB 48 UPDATE—INTOLERANT HISTORY AND SOCIAL SCIENCE FRAMEWORK IS NOT MANDATORY

Dear Public School Board Members, Parents, and Educators:

The purpose of this correspondence is to make you aware of important pending changes in California public school curriculum that, if not properly addressed, will lead to a very aggressive pro-LGBT and anti-family indoctrination of students and the undermining of parental rights and religious freedom. Public School Boards have broad discretion in adopting curriculum pursuant to SB 48 (the FAIR Act, also known as the LGBT History Hero Law). I am writing today to sound the alarm regarding grave concerns about the 2016 History-Social Science Framework and to make Californians aware of the discretion and positive options that local school board and parents have requiring their immediate attention and action.

Thank you for your prompt attention to the urgent and crucial legal matters addressed in this legal opinion memorandum. Please be advised that the National Center for Law & Policy (NCLP) is a non-profit organization providing legal assistance to individuals and groups whose civil rights have been threatened or infringed by the government and its various agents. We also have extensive experience advising and assisting public school boards regarding important legal issues. Because of the NCLP's extensive experience involving constitutional rights in public school settings, we were recently asked to assist a school district that was struggling with how to best implement SB 48. In the process of assisting this school district, our research revealed important time-sensitive factual and legal issues about which we believe you should immediately be made aware.

SB 48 was enacted by the California Legislature and signed by Governor Brown in 2011. On July 14, 2016, the State Board of Education adopted the 2016 History-Social Science Framework (hereinafter "**Framework**¹"). The nearly 1,000 page Framework "has two primary audiences: (1) educators, and (2) developers and publishers of curriculum programs and materials."² Publishers have already been briefed on the Framework and are in the process of developing Framework-based textbooks that will be ready for review some time in mid to late 2017.

¹ See *History-Social Science Framework*, <http://www.cde.ca.gov/ci/hs/cf/sbedrafthssfw.asp>

² *Id.*, Framework, Chapter 1, p. 4.

The existing History-Social Science Content Standards,³ adopted in 1998, have not been changed by SB 48 or the recent Framework. As is further discussed below, however, neither the Content Standards nor the Framework are binding on local educational agencies or entities, they merely serve as examples for development of the curriculum.⁴ What *is* binding on local school boards are the statutes, regulations and court decisions, including SB 48.

Among other things, SB 48, requires social science instruction regarding the contributions of various groups in the history of California and the United States, adding “**European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of othercultural groups**” to the categories of instruction required.⁵ However, SB 48 explicitly gives discretion to **school boards** in adopting curriculum consistent with the goals of the law.⁶ Each local school district, acting through its **board of directors**, has the **authority and discretion** to decide how SB 48 is implemented in the curriculum in compliance with California

³ See History-Social Science Content Standards for California Public Schools, <http://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.pdf>

⁴ The History-Social Science Content Standards for California Public Schools include the following notice on page two: “The guidance in History–Social Science Content Standards for California Public Schools is not binding on local educational agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, the document is exemplary, and compliance with it Prepared for publication is not mandatory. (See Education Code Section 33308.5.)”, <http://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.pdf>

⁵ See CAL.EDUC.CODE §51204.5 (“51204.5. Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.”), http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sb_48_bill_20110714_chaptered.pdf

⁶ See CAL.EDUC.CODE §60040 (“60040. When adopting instructional materials for use in the schools, **governing boards shall include only instructional materials which, in their determination**, accurately portray the cultural and racial diversity of our society, including: (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles. (b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States (emphasis added).”), http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sb_48_bill_20110714_chaptered.pdf; See CAL.EDUC.CODE §60044 (“60044. A **governing board** shall not adopt any instructional materials for use in the schools that, **in its determination**, contain: (a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or because of a characteristic listed in Section 220. (b) Any sectarian or denominational doctrine or propaganda contrary to law (emphasis added).”), http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sb_48_bill_20110714_chaptered.pdf

law. This wide-ranging discretion includes determining *what* is included in the curriculum and *when* (at what grade levels) it is taught to students.⁷

However, we have received information suggesting that pro-LGBT educational activists statewide may be misleading local school boards by misinforming them that the Framework is mandatory and must be adopted as a precursor to adopting a new History-Social Science curriculum. To this end, we are informed that the California School Board Association (CSBA) is circulating a model school board policy that, if adopted, goes far beyond the requirements of SB 48 by stating that a local school board's choices regarding implementing SB 48 must be "consistent with the state's curriculum framework for history-social science."

But, this is a misreading of the law. In fact, by law, the 2016 Framework for History-Social Science⁸ developed by the California Board of Education (CDE) merely serves as a descriptive **example or model**, but is not, pursuant to California law (*See* Education Code Section 33308.5), prescriptive or mandatory.⁹ In fact, neither the State Department of Education (CDE) nor the State Board of Education (SBE) have the authority to change or update existing California History-Social Science Content Standards¹⁰ to comply with SB 48.¹¹ Rather, local school boards retain tremendous control over the curriculum and we urge you to carefully exercise this

⁷ See California Department of Education, Senate Bill 48, FAQ 4 ("Instruction in history-social science should include the contributions of those groups listed above in Education Code Section 51204.5, **but it is up to local districts to determine how the instructional content is included**. That section applies to the course of study in grades one through twelve, but again **it falls to the teacher and the local school and district administration to determine how the content is covered and at which grade level(s)** (emphasis added).", <http://www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp>; See also, Fair Education Act webpage ("Who Will Determine What is Taught Under These Updated Education Guidelines? **There is no state-mandated curriculum on these topics. Instead, the state issues guidelines and then lessons are developed and approved at the local level, where school districts and school board members**, with input from parents and teachers, will **decide what's appropriate** for each classroom (emphasis added).", <http://www.faireducationact.com/about-fair/>).

⁸ See <http://www.cde.ca.gov/ci/hs/cf/sbedraftssfw.asp>

⁹ See CAL. EDUC. CODE §33308.5 ("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 (emphasis added)."),

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33308.5;

For example, the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* includes the following notice on page 3: "The guidance in the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* is not binding on local educational agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, the document is exemplary and compliance with it is not mandatory. (*See* Education Code Section 33308.5.)", <http://www.cde.ca.gov/ci/rl/cf/documents/elaeldfwintro.pdf>

¹⁰ See <http://www.cde.ca.gov/be/st/ss/documents/histsocscistnd.pdf> (Adopted October 1998).

¹¹ See California Department of Education, Frequently Asked Questions, Senate Bill 48, FAQ 5: "This law does not change the standards, nor does it include any authority for the State Board of Education (SBE) to change the standards to reflect the law's provisions. <http://www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp>."; See also, *What You Need to Know about California's New History-Social Science Framework*, <http://chssp.ucdavis.edu/blog/what-you-need-to-know-about-california2019s-new-history-social-science-framework>

authority in a manner that respects the rights and consciences of families, students, and religious communities.

LGBT activist organizations that participated in the development of the “LGBT-inclusive” framework include Our Family Coalition, Equality California, GSA Network, the Los Angeles LGBT Center, and the ACLU.¹² The framework may validate and include LGBT students, but it simultaneously invalidates and excludes religious students. In fact, a careful reading of the Framework reveals that it unnecessarily and aggressively greatly exceeds the limited and flexible requirements of SB 48. The Framework does so by not merely acknowledging the historical contributions of LGBT individuals and groups, but by, starting in the second grade, going far beyond SB 48¹³ and **redefining marriage and family** in radical and transformative ways, coercively imposing these new and not universally accepted definitions on public school students who are a captive audience (*See* attached excerpts from the Framework). But such morally and sexually charged curriculum changes are not required by the limited goals of SB 48.

In fact, proponents of SB 48 *claim* that the intent of the law is *not* to teach about human sexuality or morality—but rather state that it is their desire to leave such sensitive matters to parents and religious communities¹⁴. However, this is precisely what the Framework does by going out of its way to only praise LGBT “civil rights” activists and, at the same time, denigrate all opponents as “intolerant.”¹⁵ While presenting LGBT historical figures in a positive light, the Framework characterizes religion and religious people in a very negative light.¹⁶ This approach naturally tends to disrespect, undermine, and contradict the fundamental responsibility of parents, guardians, and religious communities in teaching children about sexuality and in inculcating virtue and morality. In doing so, the Framework forcibly imposes statist moral judgments on students and families regarding sensitive moral, ethical, and religious matters that the state would

¹² See <http://www.eqca.org/fairact/>

¹³ See *What You Need to Know about California’s New History-Social Science Framework*, Nancy McTygue, one Framework’s authors, admits in her blog “we were empowered, and in some cases, required, to go beyond the [1998] Standards’ outline....includ[ing] substantive new content about the history of LGBTQ citizens,” <http://chssp.ucdavis.edu/blog/what-you-need-to-know-about-california2019s-new-history-social-science-framework>

¹⁴ See The Fair Education Act, FAQ (“**Will These Lessons Include Information About Sex?** Under these updated guidelines, students will learn age-appropriate facts about what really happened in history, but lessons **will not include** the intimate details of historical figures’ lives. **Lessons about morality or sex are not part of the guidelines and are left entirely for parents to discuss with their kids at home** (emphasis added).”), <http://www.faireducationact.com/about-fair/>

¹⁵ See attached *History-Social Science Framework Excerpts*; See also, *History-Social Science Framework*, <http://www.cde.ca.gov/ci/hs/cf/sbedraftssfw.asp>

¹⁶ *Id.* Catholic Missions are described as sites of conflict, conquest, and forced labor (4th Grade Framework); Puritans are described as being intolerant of any dissent and oppressive towards women (5th Grade Framework); Male/female distinctions and roles are challenged and undermined and transgenderism is promoted (8th Grade Framework); Progressive European ideas about race and sexuality are positively described as liberating and unrestrained sexual expression, including that of gays, lesbians, transgender individuals is praised and (11th Grade Framework), LGBT activism is compared to the women’s rights and black civil rights movements and the U.S. Supreme Court’s 2015 redefinition of marriage (*Obergefell v. Hodges*) is celebrated (12th Grade Framework).

be well-advised to instead leave to the consciences of parents, guardians, and religious communities.

It is my informed legal opinion that the Framework actually violates SB 48 and the First Amendment to the U.S. Constitution by encouraging state actors (teachers) to inculcate hostility toward religion, specifically Christianity, by sponsoring **activities** or giving **instruction** that promotes “discriminatory bias” towards religion and by, if the framework is infused in the new curriculum,¹⁷ leading to the adoption **textbooks or instructional materials** that “reflect adversely upon” persons on the basis of religion. The framework indoctrinates students in anti-religious stereotypes by repeatedly describing various religious groups, including the Puritans, as “intolerant,” implying that these religious groups and individuals were or are bigoted or hateful to women and LGBT persons.

School boards who reject the Framework do not need to worry that their schools or students will be disadvantaged. Students not indoctrinated by the Framework will not fail standardized tests, because California does not currently test for History-Social Science (HSS) and it is not likely that HSS testing will “return to the state level anytime soon,” according to experts.¹⁸ Furthermore, our current legal research confirms that school districts will not face any other potential disadvantages, including the loss of funding. Local control funding structures would have to be significantly changed before school districts could be punished for rejecting the Framework.

In conclusion, if the Framework is implemented in the curriculum and classroom as written, religious students, families, and faith groups will increasingly feel marginalized and ostracized in California’s public schools—as unwelcome outsiders whose purportedly “intolerant” ways are not accepted. I believe the infusion of the Framework in the curriculum and in classrooms will result in widespread, systematic, government coerced, anti-religious discrimination. This result is neither religiously inclusive nor is it religiously tolerant. The Framework gives religious families one more excuse to join millions of others abandoning public education, leading to the growing loss of students and funding. Therefore, we strongly urge all local school board members and parents to oppose and reject the Framework as a model for complying with SB 48. Anti-religious discrimination is not the answer to solving LGBT problems.

Specifically, we recommend that school board adopt a policy, rather than the model California School Board Association policy, which more clearly acknowledges the mandatory provisions of SB 48 (i.e. acknowledging LGBT heroes in history) while at the same time allowing the board

¹⁷ See, CAL.EDUC.CODE §51500 (“51500. A teacher shall not give instruction and a **school district shall not sponsor** any activity that **promotes a discriminatory bias on the basis of** race or ethnicity, gender, **religion**, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220. (emphasis added”), See http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sb_48_bill_20110714_chaptered.pdf

¹⁸ See, *What You Need to Know about California’s New History-Social Science Framework*, <http://chssp.ucdavis.edu/blog/what-you-need-to-know-about-california2019s-new-history-social-science-framework>

the flexibility to consider whether to accept or reject the specific guidance of the Framework. It is important that local school boards refrain from putting their stamp of approval on the religiously intolerant portions of the Framework and retain their right to determine, on a local level, precisely what is taught to students and at what grade levels in a spirit of tolerance, inclusivity, and respect for the diversity of religious beliefs in each community. Please contact us here at the NCLP if you would like to obtain a copy of the talking points we have developed regarding SB 48 and the Framework.

Please feel free to forward this letter and its attachments to interested religious freedom organizations, school board members, parents, and educators. Time is of the essence. School boards across the state are being encouraged to adopt policies affirming the misguided HSS Framework and religiously discriminatory textbooks are being created as I write this letter. School districts can and should comply with SB 48 without engaging in religiously-intolerant secular indoctrination and without throwing religious families and religious communities under the bus.

Sincerely,

A handwritten signature in blue ink that reads "Dean R. Broyles". The signature is written in a cursive, slightly stylized font.

Dean R. Broyles, Esq.
The National Center For Law & Policy

History-Social Studies Framework Excerpts

<http://www.cde.ca.gov/ci/hs/cf/sbedrafthssfw.asp>

Chap. 5, 2nd grade

26-35 How do families remember their past? Students engage in the study the history of a family and may construct a history of their own family, a relative’s or neighbor’s family, or a family from books. Through studying the stories of a very diverse collection of families, such as immigrant families, families with lesbian, gay, bisexual, or transgender parents and their children, families of color, step- and blended families, families headed by single parents, extended families, multi-generational families, families with disabled members, families from different religious traditions, and adoptive families, students can both locate themselves and their own families in history and learn about the lives and historical struggles of their peers.

Chap. 7, 4th grade

293-296 Missions were sites of conflict, conquest, and forced labor. Students should consider cultural differences, such as gender roles and religious beliefs, in order to better understand the dynamics of Native and Spanish interaction.

360-363 Students can also explore how the gender imbalance between women and men in California during the gold rush era allowed women who wished to participate in the gold rush to pass as men and led to a number of men to take on women’s roles.

375-380 Students may also read or listen to primary sources that both illustrate gender and relationship diversity and engage students’ interest in the era, like Bret Harte’s short story of “The Poet of Sierra Flat” (1873) or newspaper articles about the life of the stagecoach driver Charley Parkhurst, who was born as a female but who lived as a male, and who drove stagecoach routes in northern and central California for almost 30 years.

607-611 ...and the emergence of the nation’s first gay rights organizations in the 1950s. In the 1970s, California gay rights groups fought for the right of gay men and women to teach, and, in the 2000s, for their right to get married, culminating in the 2013 and 2015 U.S. Supreme Court decisions *Hollingsworth v. Perry* and *Obergefell v. Hodges*.

630-637 They learn about the contributions of immigrants to California from across the country and globe, such as Dalip Singh Saund, an Indian Sikh immigrant from the Punjab region of South Asia who in 1957 became the first Asian American to serve in the United States Congress, Civil Rights activists Cesar Chavez and Dolores Huerta, Tech titans Sergey Brin (Google), and Jerry Yang (Yahoo), and Harvey Milk, a New Yorker who was elected to the San Francisco Board of Supervisors in 1977 as California’s first openly gay public official.

Chap. 8, 5th grade

177-181 European explorers and colonists were fascinated by American Indian culture, but condemned most of their traditions and practices as savage because they differed from their own way of life and as devilish because they were not Christian.

378-390 The Puritans had an enduring influence on American literature, education, and attitudes toward life and work. Inspired by their religious zeal, Puritans sought to establish “a city upon a hill,” where they might live out their religious ideals. Led by John Winthrop, they founded Boston and within ten years had opened Harvard College and the first common school in Massachusetts. They valued hard work, social obligation, simple living, and self-governing congregations. Their religious views shaped their way of life, clothing, laws, forms of punishment, education practices, gender expectations, and institutions of self-government. Puritans believed that God created women as subordinate companions to men. Women who challenged male authority or, because of their practical situation were free from male control (through widowhood, for example), could end up being identified with Satan’s rebellion against God’s authority; four-fifths of those accused of witchcraft in colonial New England were women.

391-408 Although they came to Massachusetts to escape religious persecution, the Puritans established a society intolerant of religious dissent and diversity. An examination of the experiences of Roger Williams and Anne Hutchinson reveals the Puritans’ intolerance of religious dissent and their insistence that women firmly conform to their gender expectations. At the same time, the stories of Anne Hutchinson and Roger Williams are milestones in the development of religious freedom in Connecticut and Rhode Island. Avi’s *Finding Providence: The Story of Roger Williams*, offers students the perspective of Williams’ daughter, Mary. Teachers may wish to teach a lesson that highlights Puritan society and its lack of toleration for dissent by focusing on the trials of Williams and Hutchinson. Teachers can ask students to investigate the question: **Why did Puritans banish Hutchinson and Williams?** By introducing excerpted trial testimony that highlights how different members of the community viewed the offenders, students can begin to understand what dissent meant to colonial governments and churches. Students can re-enact either or both trials by having students read testimony, serving as attorneys, and having other serve as jurors. Collectively, the class can develop an answer to the investigation question.

Chap. 12, 8th grade

381-386 As the family economy gave way to industrial production, the roles of women and men changed. Middle-class women devoted themselves to the home and family, while men went out to work. An ideology of separate spheres conceptualized women and men as fundamentally different. As a result, men and women formed close bonds with one another inside their separate spheres, while at the same time were also expected to marry and raise a family.

489-493 Amidst the confining world of slavery, the enslaved asserted their humanity in developing a distinct African-American culture through retaining and adapting their traditional customs on American soil. This culture included less restrictive norms around gender and sexuality that supported the formation of alternative family structures within enslaved communities.

640-645 Other women confronted this society by passing as or transforming themselves into men, thus benefiting from the greater opportunities men had in the West. California’s Charley Parkhurst, for example, who was born as a female but who lived as a male, drove stagecoach routes in northern and central California for almost 30 years.

Chap. 16, 11th grade

16-18 ...changes in racial, ethnic, and gender dynamics in American society; the movements toward equal rights for racial, ethnic, religious, and sexual minorities and women;

213-230 Nevertheless, within the problem-ridden environments of recently-industrialized cities, many people found the opportunities of city life to be very exciting. Thriving urban centers became havens for the middle-class single women who played an important role in the settlement house movement, making collective homes in the poor areas of cities and often forming marriage-like relationships known as “Boston marriages” with one another as they worked to provide services. In addition, in these growing cities, poorer young women and men who moved from farms and small towns to take up employment in factories, offices, and shops found themselves free from familial and community supervision in the urban environment. At nights and on weekends they flocked to new forms of commercialized entertainment such as amusement parks, dance halls, and movie theaters, and engaged in less restricted forms of intimacy, alarming some middle-class reformers. The more anonymous environment of cities also made space for men and women seeking relationships with one another and with someone of the same sex. By the end of the century, concepts of homosexuality and heterosexuality became defined as discrete categories of identity. This had consequences for the ways that people thought about intimate relationships between people of the same gender.

288-299 Progressive impulses also challenged big-city bosses and government corruption; rallied public indignation against trusts; pushed for greater urban policing, social work, and institutionalization related to gender, sexuality, race, and class; and played a major role in national politics in the pre–World War I era. Moreover, labor and social justice movements also called for education reform, better living conditions, wage equality, more social freedom for women, sometimes acceptance of, or at least tolerance for, women and men living outside of traditional heterosexual roles and relationships. Excerpts from the works of muckrakers, reformers, and radical thinkers such as Lincoln Steffens, Jacob Riis, Ida Tarbell, Helen Hunt Jackson, Joseph Mayer Rice, Emma Goldman, and Jane Addams and novels by writers such as Theodore Dreiser, Upton Sinclair, and Frank Norris will help set the scene for students.

370-371 Young men serving abroad found European ideas about race and sexuality very liberating.

410-423 Women, who had just secured national suffrage with the passage of the Nineteenth Amendment, experienced new freedoms but also faced pressure to be attractive and sexual through the growing cosmetics and entertainment industries, and their related advertisements. The passage of the Eighteenth Amendment and the Volstead Act triggered the establishment of speakeasies. These not only represented a challenge to Prohibition but established a vast social world that broke the law and challenged middle-class ideas of what should be allowed. Within those arenas, LGBT patrons and performers became part of what was tolerated and even sometimes acceptable as LGBT-oriented subcultures grew and became more visible. At the same time, modern heterosexuality became elaborated through a growing world of dating and entertainment, a celebration of romance in popular media, a new prominence for young people and youth cultures, and an emphasis on a new kind of marriage that valued companionship.

426-439 The continued flow of migrants and the practical restrictions of segregation in the 1920s helped to create the “Harlem Renaissance,” the literary and artistic flowering of black artists, poets, musicians, and scholars, such as Alain Locke, Langston Hughes, Countee Cullen, Gertrude “Ma” Rainey, and Zora Neale Hurston. Their work provides students with stunning portrayals of life during segregation, both urban and rural. LGBT life expanded in 1920s Harlem. At drag balls, rent parties, and speakeasies, rules about acceptable gendered behavior seemed more flexible for black and white Americans than in other parts of society, and many leading figures in the “Renaissance” such as Hughes, Locke, Cullen, and Rainey were lesbian, gay, or bisexual. The Harlem Renaissance led many African Americans to embrace a new sense of black pride and identity, as did Marcus Garvey, the Black Nationalist leader of a “Back to Africa” movement that peaked during this period.

772-779 Readings from Gunnar Myrdal’s *An American Dilemma* helps students consider the contrast between American principles of freedom and equality and practices of racial segregation in the context of World War II. Military officials established an unprecedented effort to screen out and reject homosexuals, though gay men and lesbians still served in the armed forces in significant numbers. Some found toleration in the interests of the war effort, but many others were imprisoned or dishonorably discharged. That persecution set the stage for increased postwar oppression and organized resistance.

963-975 Hysteria over national security extended to homosexuals, considered vulnerable to black mail and thus likely to reveal national secrets. The public Red Scare overlapped with a Lavender Scare. Congress held closed-door hearings on the threat posed by homosexuals in sensitive government positions. A systematic investigation, interrogation, and firing of thousands of suspected gay men and lesbians from federal government positions extended into surveillance and persecution of suspected lesbians and gay men in state and local government, education, and private industry. Students can debate whether such actions served national security and public interests and consider how the Lavender Scare shaped attitudes and policies related to lesbian, gay, bisexual, and transgender people from the 1950s to the present. Students can synthesize this breadth of information about the government and Cold War by addressing this question: **How were American politics shaped by the Cold War?**

1020-1030 Betty Friedan also coined the term “feminine mystique” to describe the ideology of domesticity and suburbanization, which left white middle-class college educated housewives yearning for something more than their responsibilities as wives and mothers. Students can see the contradiction between the image of domestic contentment and challenges to the sex and gender system through the publication of and responses to the Kinsey reports on male and female sexuality in 1948 and 1953; the publicity surrounding Christine Jorgensen, the “ex-G.I.” transformed into a “blonde beauty” through sex-reassignment surgery in 1952; the efforts of the medical professional to enforce proper marital heterosexuality; and the growth of LGBT cultures.

1049-1060 Although the 1950s have been characterized as a decade of relative social calm, the struggles of African Americans, Chicano/as, Native Americans, Asian Americans, as well as women and lesbian, gay, bisexual, and transgender people that emerged forcefully in the

1960s, have their roots in this period. In this unit students focus on the history of the movements for equality, and on the broader social and political transformations that they inspired, beginning with the civil rights movement in the south and continuing for the thirty-five year period after World War II. The question **Why was there a civil rights movement?** will prompt students to identify all of the hurdles minorities faced in the mid-twentieth century; however, teachers should encourage students to remember that there had been civil rights activism before now, but that this time the movement seemed different and that the goal of the class is to explain how and why.

1195-1202 The advances of the black civil rights movement encouraged other groups—including women, Hispanics and Latinos, American Indians, Asian Americans, Pacific Islanders, gay, lesbian, bisexual, and transgendered Americans, students, and people with disabilities—to mount their own campaigns for legislative and judicial recognition of their civil equality. Students can use the question **How did various movements for equality build upon one another?** to identify commonalities in goals, organizational structures, forms of resistance, and members.

1229-1232 California activists like Harvey Milk and Cleve Jones were part of a broader movement that emerged in the aftermath of the Stonewall riots, which brought a new attention to the cause of equal rights for homosexual Americans.

1246-1256 On the social and cultural front, feminists tackled day-to-day sexism with the mantra, “The personal is political.” Many lesbians active in the feminist movement developed lesbian feminism as a political and cultural reaction to the limits of the gay movement and mainstream feminism to address their concerns. Throughout the 1970s and 1980s, feminists promoted women’s health collectives, opened shelters for victims of domestic abuse, fought for greater economic independence, and worked to participate in sports equally with men. Students can consider Supreme Court decisions in the late 1960s and early 1970s that recognized women’s rights to birth control (*Griswold v. Connecticut*, 1965) and abortion (*Roe v. Wade*, 1973). Students can debate the Equal Rights Amendment and discuss why it failed to get ratified.

1261-1290 Students also examine the emergence of a movement for lesbian, gay, bisexual, and transgender rights starting in the 1950s with California-based groups like the Mattachine Society and the Daughters of Bilitis. Throughout the 1950s and early 1960s, these fairly secretive organizations created support networks; secured rights of expression and assembly; and cultivated relationships with clergy, doctors, and legislators to challenge teachings and laws that condemned homosexuality as sinful, sick, and/or criminal. In the 1960s, younger activists, often poorer and sometimes transgender, began to confront police when they raided gay bars and cafes in Los Angeles, San Francisco, and most famously at the Stonewall Inn in New York City in 1969. Organizations such as the Gay Liberation Front and the Gay Activists Alliance called on people in the movement to “come out” as a personal and political act. Students can consider figures such as Alfred Kinsey, Harry Hay, Jose Sarria, Del Martin and Phyllis Lyon, Frank Kameny, Sylvia Rivera, and Harvey Milk. By the mid-1970s, LGBT mobilization led to successes: the American Psychiatric Association stopped diagnosing homosexuality as a mental illness; 17 states had repealed laws criminalizing gay sexual behavior; 36 cities had passed laws banning

antigay discrimination; and gay-identified neighborhoods had emerged in major cities. Students can consider how a 1958 Supreme Court decision that rejected the Post Office's refusal to distribute a gay and lesbian magazine through U.S. mails (*One, Inc. v. Olsen*), and a 1967 Supreme Court decision that upheld the exclusion and deportation of gay and lesbian immigrants (*Boutilier v. Immigration and Naturalization Service*) relate to more recent decisions, such as the 1986 decision that upheld state sodomy laws (*Bowers v. Hardwick*), the 2003 decision overturning such laws (*Lawrence v. Texas*), 2013 and 2015 decisions on same-sex marriage (*United States v. Windsor*, *Hollingsworth v. Perry*, and *Obergefell v. Hodges*), and the constitutional guarantee of equal protection under the law for transgender individuals, as exemplified through successful claims of employment discrimination including *Glenn v. Brumby*, *Schroer v. Billington*, and the Equal Employment Opportunity Commission's decision in *Macy v. Holder*.

376-380 In what ways have issues such as education; civil rights for people of color, immigrants, and lesbian, gay, bisexual, and transgender Americans, and disabled Americans; economic policy; recognition of economic, social and cultural rights; the environment; and the status of women remained unchanged over time?

1540-1550 The growth of the lesbian, gay, bisexual, and transgender rights movement, for example, led to the pioneering role of gay politicians such as Elaine Noble, who was elected to the Massachusetts House of Representatives in 1974, and Harvey Milk, elected in 1977 to the San Francisco Board of Supervisors. Students can learn about how such activism informed the history of the AIDS epidemic in the United States. California students are particularly poised to tap local history resources on the epidemic related to a retreat from some areas of the civil rights, women's liberation and sexual liberation movements. By talking about the nation's AIDS hysteria, educators may be able to connect the early response to the epidemic to previous alarmist reactions in American history and the activism that confronted them.