

# Public Advocate of the United States Inc.

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February 1<sup>st</sup>, 2018

Hon. Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Re: Request to have the Department of Education Investigate Whether California's SB 48, Requiring Homosexual and Transgender Indoctrination and Brainwashing, Violates Federal Law

Dear President Trump:

I write to you today because you are a strong advocate for traditional family and Christian values.<sup>1</sup> The purpose of this letter is to bring to your attention a situation in California that requires your immediate attention. In 2011, California enacted SB 48, the purpose of which is to require forced indoctrination of students into the perversions of the homosexual and so-called "transgender" lifestyles. Couched as a "history lesson," SB 48 requires that all schools sing the praises of homosexuals and transgenders in their "social science" programs, while prohibiting any teacher from saying anything that may negatively reflect upon the morality or dangerous behaviors of those now-protected groups. Those with radical homosexual and transgender agendas will not stop until every American not only tolerates their perverted lifestyle, but embraces and celebrates it. This time, this interest group has focused its efforts on this nation's most vulnerable population — our children.

Mr. President, I believe there is good reason to suspect, as discussed below, that SB 48 may violate various federal statutes and regulations. Therefore, I ask that you order the appropriate authorities within your administration to begin an immediate investigation into California's brainwashing and indoctrination of public school students, and take whatever remedial actions are warranted and permitted by federal law to correct this serious problem.

## **Background on Public Advocate**

Public Advocate of the United States ("Public Advocate") is a Virginia nonprofit corporation, exempt from federal income taxation under Internal Revenue Code section 501(c)(4). Public Advocate has a long history in defending family, Christian, and traditional

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<sup>1</sup> See <https://edexcellence.net/articles/president-donald-trump-quotes-about-education>.

values against efforts by radical homosexuals and transgenders to implement their “LGBTQ? Rights” agenda in this country.

First, Public Advocate is grateful that, in February 2017, your administration revoked<sup>2</sup> President Obama’s lawless “Dear Colleague Letter” (“DCL”), which had ordered the nation’s public schools to permit “transgender” school students to use the bathrooms of the opposite sex.<sup>3</sup>

The Obama Administration had falsely claimed that there was a “chorus” of voices calling for desegregation of the nation’s bathrooms. Calling that bluff, in May of 2016, Public Advocate filed a Freedom of Information Act request with the Obama Department of Education and Department of Justice, challenging the claims made by the Obama Administration when it first issued the DCL. Indeed, when Public Advocate asked for copies of all communications from the alleged “chorus,” the Obama fraud was exposed, as there was “not even an octet.” Rather, as Public Advocate’s FOIA request uncovered, the Obama Administration “based this grotesque social experiment on the views of only six troubled and confused Americans, along with 27 pre-written ‘form letters.’ Meanwhile, the Department of Education completely ignored the over 4,000 Americans who wrote it to oppose the idea.”<sup>4</sup>

Second, Public Advocate has filed numerous *amicus curiae* briefs in courts across the country, combating the radical homosexual and transgender agendas. See [Doe v. Trump](#), D.C. Circuit, No. 17-5267 (Dec. 15, 2017) (motion to stay denied); [Kenosha v. Whitaker](#), U.S. Supreme Court, No. 17-301 (Sep. 27, 2017) (petition pending); [Masterpiece Cakeshop v. Colorado](#), [Supreme Court of Colorado](#), No. 2015SC738 (Oct. 23, 2015) and [U.S. Supreme Court](#), No. 16-111 (Sep. 7, 2017) (pending on the merits); [Zarda v. Altitude Express](#), Second Circuit, No. 15-3775 (July 26, 2017) (pending); [EEOC v. Harris](#), Sixth Circuit, No. 16-2424 (May 24, 2017) (pending); [G.G. v. Gloucester County School Board](#), [Fourth Circuit \(Rehearing En Banc\)](#), No. 15-2056 (May 10, 2016), [U.S. Supreme Court](#), No. 16-273 (Jan 10, 2017), and [Fourth Circuit](#), No. 15-2056 (May 15, 2017) (appeal dismissed); [Stormans v. Wiesman](#), U.S. Supreme Court, No. 15-862 (Feb. 5, 2016) (petition denied); and [Obergefell v. Hodges](#), U.S. Supreme Court, No. 14-556 (Apr. 3, 2015) (Sixth Circuit judgment reversed).

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<sup>2</sup> See S. Somashekhar, E. Brown, and M. Balingit, “Trump administration rolls back protections for transgender students,” [Washington Post](#) (Feb. 22, 2017) <https://goo.gl/EyUZCi>.

<sup>3</sup> See <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

<sup>4</sup> “(Updated) Legal Action: President Lied About ‘Complaints’ on Transgender Policies..... Obama Transgendered Bathroom Fraud,” Public Advocate (Oct. 6, 2016) <http://publicadvocateusa.org/news/article.php?article=10794>.

Finally, Public Advocate fought<sup>5</sup> the Obama Administration as far back as 2009, when President Obama announced his intention to visit a local public school in order to give a left-wing indoctrination speech, to be broadcast in schools nationwide, where all school children would be compelled to view it.<sup>6</sup> After significant backlash, the Obama Administration backed off, noting that listening to the President’s speech would be voluntary — both by schools and by students — and as a result, many parents nationwide opted their students out of the brainwashing session.<sup>7</sup>

### **SB 48: Homosexual Indoctrination of California Children**

Soon after taking office in 2011, California Governor Jerry Brown signed into law the hugely controversial and perverse Senate Bill No. 48 (“SB 48”), disingenuously named the “FAIR Education Act.” The purpose of the bill, among other things, was to mandate that California’s public schools indoctrinate the state’s children with gay and transgender propaganda under the guise of a “history lesson.”

Specifically, SB 48 amends current California law to **require** that “instruction in the social sciences shall include ... a study of the role and contributions of ... lesbian, gay, bisexual, and transgender Americans ... with particular emphasis on portraying the role of these groups in contemporary society.” California Education Code Section 51204.5. However, on the other side of the coin, SB 48 **mandates** that “a teacher shall not give instruction,” and a school board “shall not adopt any textbooks or other instructional materials” that “reflect[] adversely on persons on the basis of ... gender [and] sexual orientation....”<sup>8</sup>

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<sup>5</sup> See “Public Advocate Vs. Obama, Signs Posted, Holds News Conference,” Public Advocate (Sept. 7, 2009) <http://www.publicadvocateusa.org/news/article.php?article=5096>.

<sup>6</sup> See A. Holan, “Barack Obama is not the first president to address schoolchildren,” Politifact (Sept. 3, 2009) <http://www.politifact.com/truth-o-meter/statements/2009/sep/03/ arne-duncan/barack-obama-not-first-president-address-school-ch/>; see also A. Silverleib, “Many conservatives enraged over Obama school speech,” CNN (Sept. 5, 2009) <http://www.cnn.com/2009/POLITICS/09/04/obama.schools/>.

<sup>7</sup> See V. Udenans and H. Khan, “Obama to Push Personal Responsibility in Controversial School Speech,” ABC News (Sept. 7, 2009) <http://abcnews.go.com/Politics/ president-obamas-school-speech-controversy/story?id=8506095>.

<sup>8</sup> The California law also applies to matters beyond sexual deviancy. California law also requires that public schools must teach all history without speaking negatively against such broad, protected categories as “creed” and “occupation” — in other words, California school teachers apparently should paint MS-13 drug smugglers in as positive a light as possible, while praising the contributions to American society made by illegal aliens and radical Islamic terrorists. One might even wonder if it is still even permissible to teach about the atrocities

First of all, it is unclear as to why children as young as five should be introduced to the sexual perversions, cross dressing, and dangerous and unnatural practices of homosexuals and so-called “transgenders.” Indeed, it would be definitionally impossible to present “the role of these groups in contemporary society” without violating the innocence of children, in explaining what being a member of these groups means. Presumably, California teachers and school administrators will possess the good sense to keep such “history lessons” away from youngest of children, saving it (if at all) for middle school and high school social science classes.

However, SB 48 does not permit silence — rather, it forces action. By its clear terms, SB 48 applies to K-12, and it mandates that “instruction ... shall include” instruction about homosexuals and transgenders. One California military mother recently was appalled to learn that her eight year old was being indoctrinated with age-inappropriate lessons on “genes, hormones, and genitals,” and false claims such as that “[t]here isn’t really one simple way to sort out males and females.”<sup>9</sup>

In November of last year, the California State Board of Education approved various instructional materials that it believed sufficiently discussed homosexuals and transgenders throughout history.<sup>10</sup> However, the Board also “rejected a set of Houghton Mifflin Harcourt middle school textbooks in part because the publisher **refused to label** some notable Americans in U.S. history as gay, lesbian, bisexual or transgender.”<sup>11</sup> Of course, there was an excellent reason for the publisher to refuse to make this change to its history books. As it turns out, the people California demanded be referred to as homosexual or transgender are only “thought to be gay” or are “rumored” to be such. *Id.* Of course, this has not stopped California from inventing its own version of the “truth,” and rewriting history to suit its political agenda. California would have us believe that President James Buchanan, among many others, was a homosexual, even though there is not a shred of actual evidence proving that to be so. *Id.* Others — with an agenda — have claimed that Abraham Lincoln and John Wilkes Booth were

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committed in Nazi Germany during World War II, since that might “reflect adversely” on “creed,” “national origin,” and “ancestry.”

<sup>9</sup> G. Burt, “New Law Being Used to Spread LGBT Gender Identity Ideology into CA Public Schools,” California Family Council (Oct. 6, 2017) <http://www.californiafamily.org/2017/new-law-being-used-to-spread-lgbt-gender-identity-ideology-into-ca-public-schools/>.

<sup>10</sup> <https://www.cde.ca.gov/nr/ne/yr17/yr17rel82.asp>

<sup>11</sup> T. Harrington, “Should History Textbooks ‘Out’ LGBT Figures?” *The Atlantic*, Dec. 12, 2017 <https://www.theatlantic.com/education/archive/2017/12/should-history-textbooks-out-lgbt-figures/548123/> (emphasis added).

gay lovers,<sup>12</sup> that George Washington was gay, along with Alexander Hamilton and most of the settlers at Jamestown.<sup>13</sup> Depending on how many rumors and bits of “circumstantial evidence” California’s central planners mandate be taught as absolute and unquestionable truth, the state’s school books may one day report that President Kennedy, President Obama, both President Bill and Hillary Clinton,<sup>14</sup> and Eleanor Roosevelt<sup>15</sup> were all homosexuals. For California, students may one day be taught that just about everyone was gay — because that’s what fits best with the state’s revisionist view of American history.

Speaking out of both sides of its mouth, the California legislature mandates that all public school education “**accurately portray** the cultural and racial diversity of our society” — of course, unless that “**reflect[s] adversely**” on a politically favored and protected group. For example, teaching the realities of the 1980’s AIDS epidemic, which nearly universally was perpetuated by promiscuous sodomites, would certainly “accurately portray the cultur[e]” of homosexuality — however presumably such a lesson would be prohibited because its truth “reflects adversely” upon homosexuals. It might even violate SB 48 for a teacher to point out that so-called “transgenderism” is classified as a “mental disorder” by the American Psychiatric Association.<sup>16</sup>

Upon signing HB 48, Governor Jerry Brown claimed that “history should be honest,”<sup>17</sup> but what his statement really means is “teach the truth, unless the truth conflicts with California’s radical, left-wing, politically correct message.”

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<sup>12</sup> D. Smith, “Finding Homosexual Threads in Lincon’s Legend,” *New York Times*, Dec. 16, 2004, <http://www.nytimes.com/2004/12/16/books/finding-homosexual-threads-in-lincolns-legend.html>

<sup>13</sup> A. Klausner, “George Washington and most of Jamestown had gay sex... and John Wilkes Booth was one of Abraham Lincoln's spurned lovers, says new book,” *Daily Mail*, Apr. 15, 2005, <http://www.dailymail.co.uk/news/article-3040404/New-book-asserts-George-Washington-Abraham-Lincoln-Jamestown-gay-sex.html>

<sup>14</sup> N. Duffy, “7 US Presidents who were rumored to be gay or bisexual,” *Pink News*, Feb. 15, 2016, <http://www.pinknews.co.uk/2016/02/15/7-us-presidents-who-were-rumoured-to-be-gay-or-bisexual/>

<sup>15</sup> <https://stars.topix.com/slideshow/16611/slide8>

<sup>16</sup> American Psychiatric Association, “What Is Gender Dysphoria?” <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria>.

<sup>17</sup> Sexuality Information and Education Council of the United States, “New California Law Requiring Inclusion of LGBT Americans in Social Studies Classes Aims to Promote Respect,” <http://www.siecus.org/index.cfm?fuseaction=Feature.showFeature&featureID=2019>.

Mr. President, this is not “education.” It is brainwashing.<sup>18</sup> The clear intent of SB 48 is to indoctrinate young California minds into the perverted culture of homosexuality and so-called “transgenderism,” in an attempt to make them believe that it is mainstream, and acceptable behavior. The direct message conveyed by SB 48 to public schools and teachers is that they may only teach positive things about homosexuals and transgenders, while being muzzled as to teaching the negative realities of those lifestyles.<sup>19</sup>

Those pushing the LGBT agenda simply will not stop until they are stopped. First, they wanted Americans’ tolerance. Next, they demanded that society accept their behavior. Now they want their perverse behavior to be taught in public schools, sending a message to children that it is acceptable and normal, rather than aberrant and sinful. In other words, now we must all celebrate these despicable lifestyles and, in the case of so-called transgenders, pander to their mental delusions.

California’s SB 48 is clearly the outlier among the states. It is reported that at least 20 states have statutes to protect their children, and prohibit the use of homosexual and transgender brainwashing in their public schools.<sup>20</sup> Even worse, SB 48 attempts to force not only public schools, but also “alternative and charter schools,” to sing the praises of homosexuality and transgenderism. Section 6 of SB 48 states that “[i]t is the intent of the Legislature that alternative and charter schools take notice of the provisions of this act in light of Section 235 of the Education Code, which prohibits discrimination on the basis of ... gender [and] sexual orientation ... in any aspect of the operation of alternative and charter schools.”

SB 48, then, is an attempt to weaponize California’s anti-discrimination provision — applying it so broadly that it would cover history lessons in schools. Apparently, the California legislature believes that merely informing students about any negative aspect of a politically protected group amounts to “discrimination” against that group.

By legislating what students must learn, through SB 48 and other statutes, the California legislature has taken the responsibility for education out of the hands of teachers, and more importantly, out of the hands of parents. There is no way for parents to object to what their children are being taught, short of removing their children from public schools, and enrolling them in private schools which “function outside the jurisdiction of the California Department of

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<sup>18</sup> See I. Volsky, “CA Bill Requiring LGBT Contributions To Be Taught In Schools Heads To Governor As Opposition Complains Of ‘Sexual Brainwashing’,” ThinkProgress (July 6, 2011) <https://thinkprogress.org/ca-bill-requiring-lgbt-contributions-to-be-taught-in-schools-heads-to-governor-as-opposition-b0921b524bab/>.

<sup>19</sup> See J. Famodimu, “Christian Group Attempts to Overturn California Gay Education Law,” The Christian Post (July 18, 2011) <https://www.christianpost.com/news/christian-group-attempts-to-overturn-california-gay-education-law-52476/>.

<sup>20</sup> C. J. Rosky, “Anti-Gay Curriculum Laws,” Utah Law Faculty Scholarship, 13 (2017) <https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1012&context=scholarship>.

Education (CDE) and most state education regulations.”<sup>21</sup> But even more importantly, it is highly likely that parents do not even have any idea that their children are being brainwashed, and are being kept in the dark as to what is being taught pursuant to SB 48. But why can’t parents and teachers determine what is best for children to learn? The answer is simple — because the California legislature thinks it knows better than parents, and through SB 48 has deemed itself the Arbiter of Truth in education.

### **Hatch Amendment**

Fortunately, Mr. President, there may be a way that you can help intercede, in order to stop California school children from forced indoctrination into the homosexual and transgender lifestyles. As far back as 1978, Congress was concerned about the role of federal funds being used by the states in sensitive areas of education, such as this. The Family Educational Rights and Privacy Act of 1974, the Protection of Pupil Rights Act of 1978, the Pro-Children Act of 1994, and the Family Privacy Protection Act of 1995 each expanded protections for parents and students against controversial research and teaching by public schools across the nation. See 20 U.S.C. Section 1232h.

Pursuant to those statutes, the Department of Education in 1984 promulgated 34 C.F.R. Sections 98.3 and 98.4. Section 98.3 requires that, for public schools receiving federal funds, “all instructional material ... which will be used in connection with any research or experimentation program or project shall be made available for inspection by the parents or guardians of the children...” Specifically, such programs and projects are defined as those “designed to explore or develop new or unproven teaching methods or techniques.” Clearly, indoctrination into the perverted homosexual and transgender lifestyles of children as young as five counts as a “new or unproven teaching method or technique.”

Section 98.4, in turn, requires that schools obtain “prior written consent of the parent or guardian” before they are allowed to conduct radical left-wing experiments on young minds. Specifically, a school must obtain written permission from parents before it can give “psychiatric ... or psychological ... examination, testing, or treatment” that is designed to “reveal information concerning” such things as “sex behavior and attitudes,” “anti-social ... behavior,” “political affiliations,” *etc.*

It is not much of a stretch to recognize that California might consider it to be “anti social behavior” if any student who holds traditional or Christian values disagrees with the perverted lifestyles now being idolized in California education. Indeed, the stated purpose of SB 48 is to ensure that protected groups, such as homosexuals and transgenders, are painted only in a positive light so that any “discriminatory bias” (*i.e.*, traditional values) can be eliminated, and so

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<sup>21</sup> <https://www.cde.ca.gov/sp/ps/psfaq.asp#a1>. In that sense, SB 48 provides yet another reason for parents to flee the public education system, because “CDE has no statutory authority to regulate or monitor private schools or private education, except to the extent they request NPS certification.”

that all students can come to be brainwashed into the alleged “role and contributions .. to the development of California and the United States” by homosexuals and transgenders.

A far back as 1984, renowned conservative Phyllis Schlafly recognized this problem in the context of sex education, and began a campaign of concerned parents writing to their school districts, pursuant to the Hatch Amendment, in order to opt out their children from radical and unproven new “education” (indoctrination) materials. Even Senator Orin Hatch (R-UT), sponsor of the Pupil Rights Act, noted that, when it comes to sex education, “pupils cannot discuss the course content without making some value judgments about sexual behavior [and therefore] such a course ... certainly would be covered by the Hatch Amendment and the Department of Education regulations.”<sup>22</sup>

Mr. President, the same problem applies to the teaching of radical, perverted sexual history by California schools. It is impossible to teach the alleged “contributions” of homosexuals and transgenders, defined by their sexual deviance and denial of the created order, without first teaching students what it means to be homosexual and transgender. No history book puts special emphasis on the fact that a particular person in history was heterosexual. Yet in order to emphasize a person’s homosexuality and transgenderism, discussion of those perverted sexual practices no doubt will come front and center in California history books.

Mr. President, California HB 48 is as evil as it is unlawful. It encourages — even requires — public schools to brainwash and indoctrinate young people with aberrant and perverted sexual teachings.

### Conclusion

**In conclusion, Mr. President, I write to ask you to order your Department of Education to investigate the current practices of the California public school system pursuant to HB 48, in order to determine whether any violations of federal law are occurring. If there are such violations, I ask that you have your administration take whatever steps are necessary to cut off federal funding to these schools, to prevent their teaching this “Sodom and Gomorrah” type of moral perversion to the nation’s children.**

Sincerely yours,

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<sup>22</sup> [http://www1.udel.edu/educ/whitson/897s05/files/Eagle\\_HatchOit.pdf](http://www1.udel.edu/educ/whitson/897s05/files/Eagle_HatchOit.pdf)