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CRI speaking to their Conservative Christian base On AB1266

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Abstract

“I don’t mind if you take pictures, especially like liposuction me, if you’ve got any sort of like...yeah, Photoshop -- something like that. But, we’re not recording tonight. We recently were targeted by the IRS for those of you on our email list; we recently just finished -- and you’ll be hearing more about this [...]

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- Karen England, Capitol Resource Institute Executive Director

Figure 1. Salt & Light Ministry Email Announcement for March 10, 2014 meeting at the Golden Springs Calvary Chapel in Diamond Bar, California

The Pacific Justice Institute (PJI) was recently named a hate group due to the investigative reporting of the TransAdvocate. Now that PJI's media machine is dismantled, PJI's sister-organization, the Capitol Resource Institute's (CRI's) is stepping up to the plate in an attempt to fill PJI's shoes.

CRI's executive director, Karen England, spoke on Monday, March 10, 2014, to a Salt & Light Ministry meeting at Calvary Chapel Golden Springs (in Diamond Bar, California.) She spoke not just as a representative of CRI, but also as a representative of the Privacy For All Students (PFAS) coalition. Until now, PJI had been the public face of PFAS.

Neither Salt & Light or CRI recorded the meeting apparently out of concern that England may say something that jeopardized their 501(c)(3) tax-exempt status. However, I attended the meeting and recorded it in entirety for LGBT Weekly and The Transadvocate. As a conservative Christian, I would have thought England would have been familiar with the concept attributed to Christ in Matthew 10:26-27:

[T]here is nothing concealed that will not be disclosed or hidden that will not be made known. What I tell you in the dark, speak in the daylight; what is whispered in your ear, proclaim from the roofs.

England was mostly there to talk about the "radical" School Success and Opportunity Act -- also known as AB1266.

[AB1266] is radical. One of [the opposition's] arguments has been "Oh no, this is just codifying current law." Oh no it's not. - Karen England

Figure 2. Image: Capitol Resource Institute Executive Director Karen England speaking to a Salt & Light Ministry meeting at the Golden Spring Calvary Chapel in Diamond Bar, California on March 10, 2014

In California, our Constitution has a right to privacy, and throughout the Education Code it talks about a student's right to privacy and safety.

And, that infringes on the majority of the students and is unnecessary and is so radical and is the only one that is this radical in the United States.

As a matter of fact, it is so radical, that Los Angeles -- well both Los Angeles and San Francisco Unified's current policy -- are in violation of AB1266 because they put actually put boundaries around them. They say you have to assert -- well, San Francisco's is the most conservative -- it says you have to assert your gender consistently and exclusively. So, you can't go back and forth between boy-girl-girl-boy, and you have to consistently -- and this is still very vague in the law. Again, I still oppose it no matter how sincere they are, but it shows you how radical that San Francisco Unified's policy violates AB1266. - Karen England

Let's unpack that statement for a moment. Yes, throughout the Education Code student privacy and safety is frequently mentioned, but framing that right in terms of the majority alone is one that fails to recognize that both the state Education Code and Constitution, as well as the federal Constitution, have many protections in place to protect minority views and people.

With that in mind, public accommodation is a two-way street: in the Los Angeles Unified School District (LAUSD), for example, the privacy protections that have been utilized for transgender students in some school districts are available to cisgender students.

Quoting Judy Chiasson of the LAUSD from a January interview with The Transadvocate:

Autumn Sandeen: Let me throw out a hypothetical based on something I read in the Antelope Valley Press about their high schools and middle schools. They are lamenting that Antelope Valley schools are spending about twenty-five thousand dollars for privacy curtains for their locker rooms. So in the school district's implementation, they want to make sure there's privacy available, and the newspaper is blaming AB1266 for this expenditure.

Judy Chiasson: There's a lot of students who want privacy.

AS: So would this be in some way that L.A. Unified would accommodate a student or is this something that's not common?

JC: We do accommodate students already. We do have, for a multitude of reasons, students who are uncomfortable with their bodies and want privacy.

AS: I can imagine that's all the way across the board. I wasn't comfortable with my own body in Junior High. . .

JC: Yes, exactly.

AS: . . .because I was small, and even if I were comfortable -- even if I identified fully as a male I didn't have a very male body until I was about fifteen.

JC: Exactly.

AS: And even then I was not comfortable.

JC: Absolutely. Either by weight or medical condition. We have a lot of students who for any reason -- we don't even ask -- if the student says they're just not comfortable in the common area for any reason whatsoever we do give them access to a private facility.

So, I've heard parents say that they want to be sure that their child is never in a facility with a transgender student, and we say "Fine. You just go to the nurse's office and you can go and wait in line. You can use that facility or we have private facilities available."

Particularly during adolescence a lot of children are uncomfortable. Some of our -- I think the children don't shower like that. There's not a lot of nudity in the locker rooms.

LAUSD's example is going to be followed throughout the state: cisgender students right to privacy will be protected in a manner that transgender students privacy was protected in many school districts before school districts across the state became aware of the requirements of California law. If the accommodation of transgender students by separating out which facilities they may use is acceptable policy in regards to California Education Code on privacy and safety, then why shouldn't implementation of that policy, if used to accommodate cisgender students instead of transgender students, be considered adequate compliance with the those same California Education Code privacy and safety requirements?

And as to the view that a minority population is not important or large enough to deserve public accommodation -- well, that belief is not in tune with Christian scripture. The parable of the lost sheep (Luke 15:4-7) speaks to the value of one person in a hundred, along with Matthew 10:29-31 which speaks to how important the God of Christian faith believes individuals really are:

Are not two sparrows sold for a penny? Yet not one of them will fall to the ground outside your Father's care. And even the very hairs of your head are all numbered. So don't be afraid; you are worth more than many sparrows.

As to school policies to implement AB1266 being against the law, the executive director of the Transgender Law Center provided The Transadvocate this statement:

Figure 3. Thumbnail link: California State School Boards Association (CSBA) guidance on transgender school district policies: 'Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students' (January 2014)

We are encouraged to see that there are many schools across the state implementing policies that ensure all students - including transgender students - have the opportunity to be themselves and do well in school. The California School Boards Association has issued a set of guidelines for schools to follow when they are updating or implementing new policies. We encourage any schools with further questions about how best to achieve compliance with the law and ensure all students are supported to contact us for support. The law is already making a positive impact on students across the state - we've already heard from parents who report their children be happier and more successful at school.

And, Chiasson spoke to what the purpose of school policies really are in that interview with The Transadvocate:

[W]hen a school adopts a policy, the purpose of the policy is to repackage what the law says into terminology that is very convenient and digestible by schools. It doesn't -- so even if a school doesn't have a policy, they are still held accountable to state laws. Policies are just for the convenience of their stakeholders.

England talked about her beliefs about codifying AB1266 into the California Education Code.

[S]o I did actually did a Bay Area with an LGBT, radio, Skype, half-hour interview several weeks ago on this. And even as I talked to reporters, they really have bought that line. And, when I explained to them "No, current law says we must protect these kids."

I don't want any child harassed at school or beat up. I honest to goodness want every child to feel safe. But, that includes our girls when they're in the shower and a biological boy coming in there may be sincere as the day is long, but it doesn't change he's a male. Sincerity doesn't trump privacy, or nakedness, or the reality that that boy showering or going to the restroom next to our girls. And vice versa. - Karen England

Again, cisgender girls who believe their privacy or safety in school bathrooms and locker rooms is compromised if transgender girls can use school facilities that align with their gender identities can

themselves opt out of using those facilities. There is no trumping of privacy or safety concerns of cisgender girls: cisgender students can and will be accommodated in schools' more private facilities if they ask -- they have that option; they have that right.

So what are PFAS's strategies and tactics regarding transgender student policies in California?

Lawsuits. Multiple lawsuits likely filed by, or with, CRI's PFAS partner organization PJI is what we can expect.

The likely first lawsuit by PFAS will likely be over signatures.

[W]e really believe once we file our lawsuit and we prevail over some of these different issues [regarding voter signatures being improperly invalidated] that they will have to put those back in and we will be able to get the 17,000 just based on the handful of counties we have been in." - Karen England

A 9-plus minute audio file explaining how they believe voter signatures on their petitions were improperly invalidated is loaded up on the tgpride.net web address here.

Other lawsuits will likely follow regarding the privacy issues. Per England in that meeting.

I do believe three will be numerous lawsuits, and I do believe we will be successful because of the invasion of privacy that this does on so many students. But it is going to take someone's privacy to be invaded -- a lawsuit, those kind of things. And there's some stuff going on that I don't want to say publicly, but I do believe this will be an issue and I do believe we will prevail. - Karen England

And it's not as if we haven't known that PJI, an organization that just this month was added to the Southern Poverty Law Center's listing of hate groups because of their antitransgender activities, has been looking for plaintiffs for the privacy lawsuits. From a YouTube video of theirs from August of 2013 featuring their executive director Brad Dacus:

We at the Pacific Justice Institute," stated their executive director Brad Dacus in a YouTube video, "stand ready and willing to defend anyone who'll be victimized as a result of this new law. That includes someone's whose privacy rights have been violated in the bathroom, in the locker room, in the showers -- or, someone who is prevented from playing on a sports team because someone from the opposite gender took their place.

Lastly, "when" AB1266 is repealed (their belief in "when," not mine) they plan to organize efforts by Calvary Chapel church members and other to pressure school board members in districts across California to come up with policies that are less supportive of trans students.

Questioner from audience: Would we just be challenging [AB1266], or would we be challenging the whole policy? Because the previous policy, like we stated earlier allowed school districts to do what they wanted to do. Would the whole thing be challenged, or...

Karen England: No. No, and in all honesty I don't know if that would pass muster because we do need to make sure [transgender students] are safe, but how you do that is entirely different -- and it doesn't mean opening up the bathroom doors. It can be...

And, that's where we come in. We elect our local school board, and we should be at those local school boards, and we should be at those board meetings.

And, we actually can help them craft their policy. And the policy can be -- as long as you accommodate them, and they're not discriminated against, it can be going to a teacher and saying "I'm not comfortable using the girls or the boys restroom," and that teacher would know and quietly take care of it.

That could be the solution and then you're not worried about it. It could be a unisex bathroom and you have to use a permission slip to go in there. I don't know --

But, every local school district could decide, and they would not have to do what L.A. Unified is doing, what Long Beach is doing.

And, that's when this law's repealed, we will help you organize and go into your school board levels because, let me tell you it's much more difficult for school boards to be against parents when they're going to see you at the grocery store, and at church on Sunday -- and so-and-so knows so-and-so who knows so-and-so. And, we actually have been very successful helping parents at the local level instill family friendly policies.

[W]e need to show up at school board meetings because you know what? Superintendents work for you.

And, one thing that drives me crazy is school board members get their training from the [California] School Board Association and they are taught to go along with the superintendent. And the minute you get in there and start asserting your authority because the superintendent works for the school board and the school board is elected and works for you.

And, do not let them forget that. If you need to go to every single monthly meeting you can turn what's going on in local schools around: it just takes a lot of diligence. - Karen England

When CRI speaks to their base, this is what they sound like. Knowing what CRI and PFAS says to their base, this will no doubt will help the Support All Students coalition formulate their own strategy and tactics. And, I hope that includes having more parents of trans* and gender nonconforming students show up at School Board meetings to state the positives of supporting those students.

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