Look Out For Supremacist Judges on Lower Federal Courts

by Phyllis Schlafly September 20, 2006

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Each year the Supreme Court grants fewer and fewer petitions for "cert," or review, and now hears only about half the cases it heard 25 years ago. This means that many lower federal court decisions are final.

Because lower-court federal judges know how unlikely it is for the Supreme Court to reverse them, they are becoming increasingly aggressive in handing down supremacist decisions that are biased against parents' rights and religion, and in favor of feminist and gay-rights agendas.

Parents' rights cases are seldom accepted by the Supreme Court. This year, rather than hear a single case about parents' rights to control the upbringing of their own children, the Supreme Court heard the appeals of Osama bin Laden's driver and of prisoners demanding their right to read pornographic magazines.

At the Linden Seventh-Day Adventist Grade School in Laurelton, New York, an unmarried Bible Studies teacher became pregnant and said she did not intend to marry. The school terminated her employment for exhibiting "unsatisfactory

personal conduct inconsistent with the principles of the Seventh-day Adventist Church." The teacher sued, and a federal district judge ruled against the school, citing a "compelling interest" in banning "discrimination." This decision exposes the school to a huge financial jury award and sends the message to religious schools: don't dare fire a teacher in order to protect your values or you may face financial ruin.

The feminists are now ruthlessly trying to use Title IX to force public schools to comply with the same outrageous gender quotas as are used in colleges. If the feminists succeed, public high schools will have to eliminate a million boys from high school sports teams.

The feminists sued the Michigan High School Athletic Association over the issue of whether girls' basketball, volleyball and other sports must be scheduled in the same seasons as the boys. The schedule had called for different seasons in order to maximize the convenient use of limited sports facilities.

But the feminists cried discrimination, and they won. It is amazing that judges think they have the authority and the wisdom to decide which seasons high school boys and girls will play which sports.

While state marriage amendments are typically receiving approval of 70 percent of the voters, the gay rights lobby is winning numerous lawsuits that advance their agenda in public schools. This spring, federal District Court Judge David L. Bunning ordered a Kentucky school district to allow a gay club in its high school.

Judge Bunning imposed a consent decree that required mandatory staff and student diversity training, "a significant portion of which would be devoted to issues of sexual orientation and gender harassment." Included in the mandatory one-hour video were dogmatic claims that homosexuality is immutable and that it is wrong to object to the gay lifestyle.

A lawsuit was then filed by students who objected to being forced to watch a pro-homosexual video. They lost; federal Judge Bunning sided with the school and upheld the mandatory video.

After Poway High School near San Diego endorsed the "Day of Silence" sponsored by the Gay Lesbian and Straight Education Network (known as GLSEN), student Tyler Chase Harper responded by wearing a T-shirt inscribed with the words "I will not accept what God condemned."

The Ninth Circuit Court of Appeals ruled against the student, claiming that the First Amendment does not protect students expressing views opposing homosexuality. The dissenting opinion pointed out the hypocrisy of the majority who claimed they were promoting "tolerance for minority points of view," but actually "demonstrated intolerance for a viewpoint that was not consistent with their own."

An offensive anti-Bush T-shirt, however, received very different treatment from the judges. A federal court has just ordered a public middle school to allow Zachary Guiles to wear a T-shirt accusing President Bush of being a "crook," a "cocaine addict," a "Draft Dodger," a "chicken," and a "Lying Drunk Driver."

When a school official merely asked the 7th-grader to tape over the images of drugs and alcohol and the word "cocaine," the student's father sued the school. The Second Circuit Court of Appeals ruled in favor of a new judge-invented right to wear an anti-Bush T-shirt to school.

The federal courts bend over backwards to award astronomical fees to ACLU-type attorneys, such as the obscene $2 million attorney-fee award for censoring intelligent design in Dover, Pennsylvania schools. But the Ninth Circuit ruled that parent-attorneys cannot recover attorney's fees after winning a case under the Individuals with Disabilities Education Act. The bottom line is, Americans should

monitor presidential nominations to the lower federal courts just as solicitously as to the Supreme Court.