

**HEARING ON GENDER BENDER LEGISLATION IN SACRAMENTO SUPERIOR COURT:**  
9:00 a.m. - May 12, 2009  
800 9<sup>th</sup> Street, 3<sup>rd</sup> Floor, Department 54, Sacramento, California

**Attorneys for Advocates for Faith and Freedom will be available for questions.**

***LAWSUIT CHALLENGES SCHWARZENEGGER'S NEW DEFINITION OF "GENDER"***

**SACRAMENTO** – One of the first major hearings in the country challenging the emerging redefinition of “gender” will occur on May 12, 2009, in Sacramento Superior Court at 9:00 a.m. In direct response to the passage of California Senate Bill 777, Advocates for Faith and Freedom filed a lawsuit in Sacramento Superior Court on November 6, 2008, against Jack O’Connell – State Superintendent of Public Instruction, on behalf of the California Education Committee, LLC (CEC), a project of California Family Council.

The lawsuit challenges SB 777 on the basis that it is unconstitutionally vague and violates the privacy of all students, teachers, and other persons present on public school campuses. The law took effect in January, 2008.

SB 777 changed the definition of “gender” under the California Education Code. “Gender” now means ‘sex,’ and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.” In short, you are what you think you are regardless of your anatomical make-up.

Robert Tyler, General Counsel for Advocates for Faith and Freedom commented: “Nothing will prevent the 250 pound linebacker from deciding he wants to share the locker room with the cheerleaders?” He further stated, “If implemented, this bill will have disastrous effects in our school system. This social experiment defies common sense.”

According to Jennifer Monk, Associate General Counsel of Advocates for Faith and Freedom, “Parents sending their children to public schools are trusting that school officials will protect their children’s safety. It defies logic that schools will be required by law to ignore one’s anatomy. The goal of SB 777 is not to create a gender neutral environment, but to disregard the traditional family, and its beliefs, and respect for a mom and dad raising the kids.”

State Attorney General Jerry Brown filed a motion to dismiss the case arguing that the law does not support our claims for violations of privacy and vagueness. The Gay Straight Alliance filed an amicus brief in support of the motion to dismiss the case arguing that students should have equal rights and “non-discriminatory access to restrooms and other gender-segregated facilities.”

This is the first case challenging this definition of “Gender” as invented by the California legislature and signed by Governor Arnold Schwarzenegger. At least seven other states and the District of Columbia have followed suit and have redefined gender for their public schools. These states include Colorado, Iowa, Minnesota, Maine, Oregon, New Jersey, and Vermont. Numerous other states have passed laws protecting a person’s self-defined “gender identity” including Hawaii, New Mexico, Rhode Island and Washington.

To review a copy of the complaint and other briefing in this case, [click here](#).

Advocates for Faith and Freedom is a national non-profit legal organization whose aim is to bring positive change to law and culture one case at a time. To learn more about our organization, please visit [www.faith-freedom.com](http://www.faith-freedom.com).