



October 28, 2009

The Honorable Arne Duncan, Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Duncan:

I received an invitation to participate in a discussion of the Office of Safe and Drug-Free Schools on October 29. Because I have detailed recommendations and specific concerns about that office, its programs, and its leadership, I thought it would be more appropriate to offer them in writing. Following are some actions which I believe Congress, the Office of Safe and Drug-Free Schools, and you personally should take in order to maximize the effectiveness of, and maintain the proper focus for, the Office of Safe and Drug-Free Schools.

Recommendation #1—Maintain the Office’s principal focus on preventing the use of illegal drugs.

The program you now administer was created by Congress in 1986 (Public law 99-570) to combat the illegal use of drugs. Since this was its original purpose, it should remain the principal one. Programs under this program should continue to fulfill the statutory mandate to “convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful”¹ and that “most people do not illegally use drugs.”²

Unfortunately, the life and writings of Kevin Jennings, whom you appointed as Assistant Deputy Secretary to direct OSDFS, have contradicted this Congressionally mandated message. In his memoir, *Mama’s Boy, Preacher’s Son*, he wrote several times about his own use of alcohol and marijuana as a high school and college student. For example, he wrote:

“Fun” turned out to consist of two six-packs and a couple of joints for us to split—a lot for a boy who had never drunk or smoked before—a little too much, in fact. By the time I got home, I was weaving like a proverbial drunken sailor.

. . . Mom sprung up from the dining table and cut me off at the pass.

“I, I don’t believe it,” she sputtered when she got up close and the smell of alcohol overpowered her. “You’re DRUNK!” (She didn’t know how to recognize the smell of pot, thank God.) “How did this happen.”

Stoned as I was, this struck me as a hilarious question, as the answer—“Well, I drank some alcohol, Mom”—seemed fairly obvious. I started laughing.³

I started spending a lot more time with my friend Troy after that, getting stoned on the hill behind his house, chowing down on the leftovers I'd snag from my after-school job at Taco Bell when the munchies hit.⁴

I got stoned more often and went out to the beach at Bellows, overlooking Honolulu Harbor and the lights of the city, to drink with my buddies on Friday and Saturday nights, spending hours watching the planes take off and land at the airport, which is actually quite fascinating when you are drunk *and* stoned.⁵

In Harvard Yard there were graduate student proctors who kept an eye on you, but in houses there were subject tutors who didn't care much how we behaved. In fact, they were more like buddies and would drink and get stoned with us, unlike the proctors we had to sneak around.⁶

While many people may experiment with drugs and alcohol in their youth and later come to regret it when they have reached a higher level of maturity, the light-hearted tone of these excerpts—written only three years ago—does not suggest any regret whatsoever. If Mr. Jennings is to administer the Office of Safe and Drug-Free Schools with any level of credibility whatsoever, he would need to make an immediate and public declaration along the following lines:

“I regret my use of illegal drugs and my consumption of alcohol when underage earlier in my life, and I regret making light of these behaviors in my recent writings. These substances were harmful to me and my life would have been better if I had not used them. I do not consider underage drinking and the use of illegal drugs to be a normal part of growing up. I affirm my support for and my agreement with the federal law stating that ‘the illegal use of alcohol and other drugs is wrong and harmful’ and that ‘most people do not illegally use drugs.’ I will urge America’s young people not to follow the example that I set in my own life, and not to make light of such behaviors as I have in my recent writings.”

If Mr. Jennings is unwilling to make such an unequivocal statement, then he should resign or you should remove him from his position.

Recommendation #2—Maintain the office’s focus on preventing actual school violence, and oppose any efforts to expand its scope to include “bullying” or “harassment.”

Throughout the “Safe and Drug-Free Schools and Communities Act” of both 1994 and 2002, the “safe schools” emphasis is on preventing actual acts of violence. While “bullying” and “harassment” may indeed be significant problems in social interactions between students, the Family Research Council believes that these issues are best addressed at the level of the individual classroom, school, or school district, rather than expanding the scope of federal control over schools.

Therefore, I would urge you to reject the recommendation of the Gay, Lesbian and Straight Education Network (GLSEN)—the organization which Kevin Jennings founded and led until last

year—that we should invest “greater federal resources in bullying and harassment prevention activities.”⁷ I also urge you to publicly oppose H.R. 2262, introduced by Rep. Linda T. Sanchez, which would “amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention activities.”

Recommendation #3—Ensure that “safe schools” programs are designed to provide protection for *all* students, rather than creating special categories of protection.

Surely we can agree that *all* students deserve to attend “safe schools” that are free of violence. Therefore, I urge you to reject initiatives such as the model legislation proposed under Mr. Jennings’ leadership at GLSEN—namely, to create special categories of protection such as “a student’s actual or perceived race, color, national origin, sex, gender,⁸ disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristics...”⁹

It seems likely that students targeted based on one of the enumerated characteristics are more likely to be consistently protected than those targeted because of “other distinguishing characteristics” that are not enumerated. Ironically, the enumerated categories of protection in GLSEN’s model legislation do not even include the category which GLSEN itself has identified as the most common grounds for “harassment” of students:

The reason most commonly cited for being harassed frequently is a student’s appearance, as four in ten (39%) teens report that students are frequently harassed for the way they look or their body size.¹⁰

And under policies like that proposed by GLSEN, those who are targeted for reasons having nothing to do with “distinguishing characteristics” (for example, to steal their lunch money) would not be protected at all. We should extend protection to *all* students based on the nature of the victimizing conduct, rather than the characteristics of the victim.

Recommendation #4—Apply the same “risk elimination” (rather than “risk reduction”) strategies to sexual conduct that are already applied to the issues of drug abuse and violence.

In addition to administering programs authorized under the Safe and Drug-Free Schools and Communities Act, the Office of Safe and Drug-Free Schools also has responsibility for administering “Health, Mental Health, Environmental Health, and Physical Education Programs” authorized by the Elementary and Secondary Education Act. To the extent that these programs affect education and counseling related to human sexuality, they should apply the same standard used for anti-drug and anti-violence programs—namely, promotion of “risk elimination” (through abstinence until marriage) rather than merely “risk reduction” (through the use of condoms and birth control).

Practicing abstinence until marriage (defined by federal law as the union of one man and one woman) helps young people to avoid the long-lasting negative consequences of premarital sex, including out-of-wedlock childbearing, sexually transmitted diseases, emotional problems, promiscuity and future marital break-up.

Out-of-wedlock childbearing has negative consequences for parents, children, and society. Unwed mothers and fathers are less likely to marry¹¹ and more likely to suffer from depression¹² and to live in poverty¹³ than are those who do not have children outside of marriage. Children born to teen mothers are more likely than other children to have lower grades, to leave high school without graduating, to be abused or neglected, to have a child as an unmarried teenager, and to be delinquent.¹⁴

Aside from the risk of pregnancy, those who engage in premarital sex have a high risk of contracting a sexually transmitted disease (STD). Each year there are 15 million new cases of sexually transmitted diseases in the U.S., of which 50 percent are incurable. More than 65 million people in the U.S. currently have an incurable STD.¹⁵ Two-thirds of all new STD infections occur among young people under age 25; forty-two percent occur among 20- to 24-year-olds and 25 percent occur among teens age 15-19.¹⁶ Chlamydia and gonorrhea are two of the most common curable STDs among sexually active young people. Gonorrhea rates are highest among 15- to 19-year-old females and 20- to 24-year-old males; forty-six percent of all reported chlamydia infections occur among girls age 15-19, while 33 percent occur among 20- to 24-year-old women.¹⁷

Along with being at risk for STDs, young people who engage in unwed sex are likely to experience negative emotional consequences. Compared to girls who remain abstinent, sexually active teen girls are over three times more likely to be depressed and nearly three times more likely to attempt suicide. Sexually active teen boys are twice as likely to be depressed and eight times more likely to attempt suicide than are boys who remain abstinent.¹⁸ In addition to depression, teens who engage in premarital sex are likely to experience regret, guilt, lowered self-respect, fear of commitment and fears about pregnancy and STDs.¹⁹

No form of birth control (other than abstinence) is 100% effective, and condoms, even with “perfect use,” are not 100% effective in eliminating the risk of HIV/AIDS, while their effectiveness against some other STD’s is even lower.²⁰

Furthermore, the risks of homosexual conduct, particularly between men, are even higher. One website summarizes them concisely:

“That men who have sex with men are at an increased risk of HIV infection is well known . . .”

“Gay men use substances at a higher rate than the general population . . .”

“Depression and anxiety appear to affect gay men at a higher rate than in the general population.”

“Sexually transmitted diseases (STDs) occur in sexually active gay men at a high rate.”

“Recent studies seem to support the notion that gay men use tobacco at much higher rates than straight men . . .”

“Of all the sexually transmitted infections gay men are at risk for, human papilloma virus—which cause anal and genital warts . . . may play a role in the increased rates of anal cancers in gay men.”²¹

There are also elevated health risks for lesbians:

“Lesbians have the richest concentration of risk factors for breast cancer than [sic] any subset of women in the world.”

“Lesbians have higher risks for many of the gynecologic cancers.”

“Research confirms that lesbians have higher body mass than heterosexual women.”

“Research also indicates that lesbians may use tobacco and smoking products more often than heterosexual women use them.”

“Alcohol use and abuse may be higher among lesbians.”

“Research indicates that lesbians may use illicit drugs more often than heterosexual women.”²²

The statements above are not mere generalizations by a conservative organization—they are direct quotes from the Gay and Lesbian Medical Association.

In light of these scientific facts, you should urge the administration to restore funding for abstinence education, and to urge schools to teach, as the federal law which authorized abstinence education funding stated, “abstinence from sexual activity outside marriage as the expected standard for all school age children.”²³

If Mr. Jennings is unwilling to do this, then he is not fit to be in charge of “Safe Schools” for the federal government, and he should resign his position or you should remove him.

Recommendation #5—Fulfill the statutory mandate to “promote the involvement of parents”²⁴ and support “activities that involve families.”²⁵

Unfortunately, Mr. Jennings’ own behavior in an incident when he was a teacher, which he has recounted on a number of occasions, draws into sharp question his willingness and ability to fulfill Recommendations #4 and #5. By his own (conflicting) accounts, it appears that when he met with a male student (aged 15²⁶ or 16²⁷) who admitted to finding a same-sex sexual partner in the bus station in Boston, Mr. Jennings’ only advice to him was, “I hope you knew to use a condom.”²⁸

I’m grateful that Mr. Jennings has now acknowledged that he “should have handled the situation differently.”²⁹ However, for America to have confidence in his commitment to the “safety” of our children, it is vital for him to enumerate in greater detail what he should have done.

Although, as I have noted, his accounts of this incident have conflicted (raising doubts about his honesty in what you have purported to be non-fiction accounts), in none of these accounts has Mr. Jennings indicated that he:

- Advised the young man to abstain from sexual relations until he was older;
- Advised him that it was unsafe to have sex with complete strangers;
- Advised him that it was unsafe to meet sex partners in a public restroom;
- Warned him that condoms do not provide 100% protection against HIV/AIDS;
- Warned him that men who have sex with men are at a much greater risk of HIV/AIDS;
- Advised him to seek counseling for his high-risk behavior;
- Notified his parents (who were paying tuition for him to attend that private school) of his behavior;
- Notified the school administration of his behavior; or
- Notified the police or other legal authorities that he was a potential victim of statutory rape.

These oversights cannot be excused with the claim, “Teachers back then had little training and guidance about this kind of thing,” as Mr. Jennings said in his September 30 statement.³⁰ As recently as 2004—when he was already a national figure who had been selected to receive an award from the National Education Association—Mr. Jennings defended his actions as “lending a gentle ear and a helping hand to a student in need,”³¹ and threatened legal action against Diane Lenning, an NEA member who had criticized his handling of this situation.³²

Unless Mr. Jennings is willing to admit that he should have taken most or all of the steps listed above, I would submit that he is unfit to protect the “safety” of American school children, and he should resign or you should remove him from office.

Sincerely yours,

A handwritten signature in black ink that reads "Tony PERKINS". The signature is stylized, with a large, sweeping initial "T" and "P".

Tony Perkins
President
Family Research Council

Cc: Kevin Jennings, Martin F. Schubert

¹ “Safe and Drug-Free Schools and Communities Act of 1994,” Public Law 103-382, Section 4132(a), October 20, 1994; also Public Law 107-110, Section 4152(a), January 8, 2002.

² “Safe and Drug-Free Schools and Communities Act,” Public Law 107-110, Section 4003(b)(2)(A)(iii).

³ Jennings, *Mama’s Boy, Preacher’s Son*, pp. 92-93.

⁴ *Ibid.*, p. 101.

⁵ *Ibid.*, p. 103.

⁶ *Ibid.*, p. 113.

⁷ Gay, Lesbian and Straight Education Network (GLSEN), “Issue: Funding for Safe Schools Programs,” recommendation to the Office of Management and Budget, posted on website of the Obama-Biden Transition Project.

⁸ Note: the difference between “sex” and “gender” is unclear, especially since “gender identity or expression” is listed separately later.

⁹ *Model State Anti-Bullying & Anti-Harrasment Legislation: Model Language, Commentary and References* (New York: Gay, Lesbian & Straight Education Network, 2007), p. 1; online at:

http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/755-1.pdf

¹⁰ Harris Interactive and GLSEN (2005). *From Teasing to Torment: School Climate in America, A Survey of Students and Teachers*. New York: GLSEN. Online at:

<http://www.glsen.org/cgi-bin/iowa/all/library/record/1859.html?state=research&type=research>

¹¹ Deborah Roempke Graefe and Daniel T. Lichter, “Marriage Among Unwed Mothers: Whites, Blacks, and Hispanics Compared,” *Perspectives on Sexual and Reproductive Health* 34 (November/December 2002): 286-293 and Steven Nock, “The Consequences of Premarital Fatherhood,” *American Sociological Review* 63 (1998): 250-263 as cited in *Family Planning Perspectives* 30 (September/October 1998): 248-249.

¹² Kei M. Nomaguchi and Meliss A. Milkie, “Costs and Rewards of Children: The Effects of Becoming a Parent on Adults’ Lives,” *Journal of Marriage and Family* 65 (May 2003): 356-374.

¹³ Anne K. Driscoll, et al., “Nonmarital Childbearing Among Adult Women,” *Journal of Marriage and the Family* 61 (February 1999): 178-187.

¹⁴ Rebecca A. Maynard, *Kids Having Kids: Economic Costs and Social Consequences of Teen Pregnancy*, (Washington, D.C.: Urban Institute Press, 1997), p. 205-229, 257-281; Judith Levine, Harold Pollack and Maureen E. Comfort, “Academic and Behavioral Outcomes Among the Children of Young Mothers,” *Journal of Marriage and Family* 63 (May 2001): 355-369; Amy Conser et al., “Maternal and Perinatal Risk Factors for Later Delinquency,” *Pediatrics* 99 (June 1997): 785-790.

¹⁵ Centers for Disease Control and Prevention, *Tracking the Hidden Epidemics: Trends in STDs in the United States: 2000*.

¹⁶ The Kaiser Family Foundation, *Sexually Transmitted Diseases in the United States*, February 2000, p.1.

¹⁷ The Kaiser Family Foundation, “Sexually Transmitted Diseases in the U.S.,” June 2003.

¹⁸ Robert E. Rector, et al., “Sexually Active Teenagers Are More Likely To Be Depressed and to Attempt Suicide,” A Report of The Heritage Center for Data Analysis, The Heritage Foundation, June 3, 2003.

¹⁹ Tom and Judy Lickona, *Sex, Love and You*, (Notre Dame: Ave Maria Press, 1994), pp. 62-77.

²⁰ “Scientific Evidence on Condom Effectiveness for Sexually Transmitted Disease (STD) Prevention,” National Institute of Allergy and Infectious Diseases, National Institutes of Health, July 20, 2001.

²¹ Vincent M. B. Silenzio, MD, “Ten Things Gay Men Should Discuss with their Health Care Providers” online at: <http://www.gлма.org/index.cfm?fuseaction=Page.viewPage&pageID=690> (accessed October 22, 2009).

²² Katherine A. O’Hanlan, MD, “Ten Things Lesbians Should Discuss with their Health Care Providers” online at: <http://www.gлма.org/index.cfm?fuseaction=Page.viewPage&pageID=691> (accessed October 22, 2009).

²³ Title V, Social Security Act (42 U.S.C. 701 et seq.), Section 510(b)(2)(B).

²⁴ Public Law 103-382, Section 4116(a)(2) and Public Law 107-110, Section 4003(b)(1)(D)(i).

²⁵ Public Law 107-110, Section 4003(b)(2)(B).

²⁶ Quoted in Warren Throckmorton, “Remembering Brewster,” August 21, 2005; online at:

<http://www.drthrockmorton.com/print.asp?id=160>

An audio file of the Jennings speech is available online via a link in: Warren Throckmorton, “Kevin Jennings appointed to Department of Education post,” June 2, 2009; online at:

<http://wthrockmorton.com/2009/06/02/kevin-jennings-appointed-to-department-of-education-post/>

(Note: Throckmorton’s transcript of the talk revised by Family Research Council after listening to the audio file.)

²⁷Kevin Jennings, "How Good Would You Be at Pretending?" in *Crisis: 40 Stories Revealing the Personal, Social, and Religious Pain and Trauma of Growing Up Gay in America*, ed. By Mitchell Gold with Mindy Drucker (Austin, TX: Greenleaf Book Group Press, 2008), p. 193.

²⁸Throckmorton, "Remembering Brewster;" Throckmorton, "Kevin Jennings appointed to Department of Education post," op. cit.

²⁹Jake Tapper, "Head of Office of Safe and Drug Free Schools Expresses Regret for Controversial Incident," *ABC News Political Punch*, September 30, 2009; online at: <http://blogs.abcnews.com/politicalpunch/2009/09/head-of-office-of-safe-and-drug-free-schools-expresses-regret-for-controversial-incident.html>

³⁰Ibid.

³¹Kevin Jennings, "A gentle ear and a helping hand," Letter to the Editor, *The Washington Times*, July 30, 2004, p. A22.

³²Constance M. Boland, Nixon Peabody LLP, letter to Diane Lenning, August 3, 2004; online at: <http://wthrockmorton.com/wp-content/uploads/2009/06/jenningsretractiondemand.pdf>