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A NEWSLETTER ABOUT LAW AND DIVERSITY



## Immigration and Citizenship—The “Anchor Baby” Debate

by Barbara Sheehan

**The United States is a country founded by immigrants. The pilgrims who came over on the Mayflower in 1620 were not native to this country. So, ironically they did not have what would later be known as “birthright citizenship.”**

Birthright citizenship is a basic right provided to all U.S. citizens under the 14th Amendment to the U.S. Constitution. Essentially, the amendment stipulates that if you were born in the United States, you are a citizen of the United States — even if your parents were not born here. Although the 14th Amendment has been in existence for more than 140 years, some would like to see it challenged.

### Origin of the 14th Amendment

The 14th Amendment came about because of a slave named Dred Scott, who in 1856 sued for freedom for himself and his family. At the time of his lawsuit, Scott was living in the slave state of Missouri; however, he argued that he should be free because he had previously lived in the free state of Illinois and the free territory of Wisconsin. A key question the U.S. Supreme Court had to decide in the case was whether Scott was in fact a U.S. citizen, entitled to the protections given to Americans under the U.S. Constitution.

In a decision that outraged many Americans at the time, the Court ruled against Scott and found that, because he was black, he was not a citizen of the United States and had no right to sue. Although this was bad news for Scott, it strengthened the determination of many in America to end the unfair treatment of slaves and some believe provoked the Civil War.

A decade later, in 1868, the 14th Amendment to the U.S. Constitution was [>continued on page 2](#)

## Sexual Orientation Discrimination Still Exists in Jury Selection

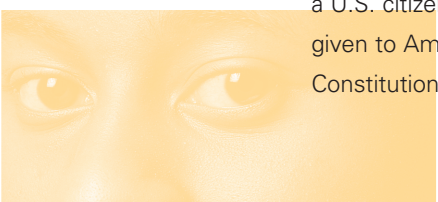
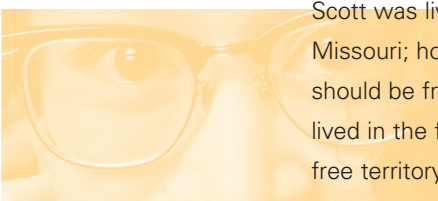
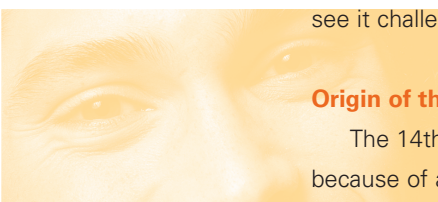
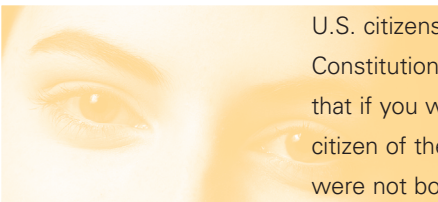
by Phyllis Raybin Emert

**Every U.S. citizen is entitled to a trial by an impartial jury. And, every citizen has a civic duty to serve on a jury. In some cases, however, that civic duty is hard to carry out if you are a member of the LGBT community**

Nationally, there is no law prohibiting discrimination in jury selection based on sexual orientation or gender identity. Currently, California and Oregon are the only states that have laws prohibiting jury exclusion based on sexual orientation. An attempt to pass similar legislation in Wyoming failed and the fate of a Minnesota bill is still pending.

In New Jersey, the **statute** regarding jury selection specifically states that no citizen can be disqualified from a jury “on account of race, color, creed, national origin, ancestry, marital status or sex.” Although the words sexual orientation and gender identity are not specifically mentioned in the statute, in the 1985 case of *State v. Gilmore*, the New Jersey Supreme

[>continued on page 5](#)



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## The “Anchor Baby” Debate *continued from page 1*

ratified. It basically **reversed** the Court’s ruling in the Scott case and granted U.S. citizenship to freed black slaves. The amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside...”

### Anchoring babies

Today, children of illegal immigrants receive birthright citizenship in the U.S. under the protection of the 14th Amendment. The particular circumstances of these families vary. In some cases, immigrant parents may already be living here unlawfully when they have their children. In other cases, it has been reported that pregnant women come to the U.S. illegally from other countries to give birth so their children can obtain citizenship rights. This may include, for example, women who cross the Mexican border illegally into Arizona or Texas expressly to give birth in an American hospital.

In all of these cases, the parents do not get automatic citizenship—only the child does. However, when that child turns 21, he or she may sponsor other family members for entry into the U.S. The controversial term “anchor babies” has emerged to describe these children because they are said to anchor (or keep) immigrant relatives in the U.S. According to the Pew Hispanic Center, in 2008, 3.8 million undocumented immigrants had at least one child with birthright citizenship.

The Center for Immigration Studies, a non-profit, independent research organization, estimates that 300,000 to 400,000 children are born in the U.S. to illegal immigrants each year. According to the Center, there are approximately 30 countries that grant birthright citizenship to children of undocumented parents. Most countries, including Great Britain, Australia and India, do not.

### Changing the laws?

Some lawmakers have proposed legislation that denies U.S. citizenship to so-called “anchor

babies,” sparking heated debates around the country. Supporters say changes are needed to U.S. citizenship laws because the U.S. cannot afford the costs associated with these children (such as healthcare, education, etc.). A study conducted by the Center for Immigration Studies estimated that nearly \$2 billion dollars a year is paid to illegal aliens in the form of government services, such as food stamps, etc.

*On Face the Nation*, Senator Jon Kyl of Arizona said, “The 14th Amendment has been interpreted to provide that if you are born in the United States, you are a citizen no matter what. So, the question is, if both parents are here illegally, should there be a reward for their illegal behavior?” Senator Kyl favors **repealing** the 14th Amendment and has called for congressional hearings on the issue.

Congressman Steve King of Iowa doesn’t believe repealing the 14th Amendment is necessary and is the sponsor of a federal bill called the Birthright Citizenship Act of 2011. If enacted this law would require that at least one parent of a child born in the U.S. be a citizen or legal permanent resident for that child to obtain birthright citizenship.

“The current practice of extending U.S. citizenship to hundreds of thousands of ‘anchor babies’ every year arises from the misapplication of the Constitution’s citizenship clause and creates an incentive for illegal aliens to cross our border,” Rep. King said in a statement after introducing his **legislation**. “The Birthright Citizenship Act of 2011 ends this practice by making it clear that a child born in the United States to illegal alien parents does not meet the standard for birthright citizenship already established by the Constitution.”

Introduced in January 2011, no other action has been taken on the measure.

### What has the Court said?

This is not the first time that the issue of birthright citizenship has been debated in our country’s history. The U.S. Supreme Court has taken up the issue before.

In the 1884 case of *Elk v. Wilkins*, the Court considered the citizenship rights of a Native American named John Elk, who was born on an Indian reservation and later moved to a non-reservation U.S. territory, where he tried to register to vote and was denied. The Court in the case held that Elk did not fulfill the “subject to the jurisdiction” clause of the 14th Amendment because he “owed immediate allegiance” to his tribe and not to the United States; therefore the Court concluded that Elk did not have citizenship rights. Birthright citizenship was later granted to Native Americans under the Indian Citizenship Act of 1924.

Shortly after the *Elk* case, in 1897, the U.S. Supreme Court considered the case of Wong Kim Arc, who was born in 1873 in San Francisco to parents of Chinese descent. Wong was raised in California, and later (as a young adult) denied re-entry

to the United States after a temporary visit to China on the grounds that he was not a U.S. citizen. At the time, there was a federal law in place in the United States called the Chinese Exclusion Act, which restricted U.S. immigrants from China and placed limitations on their citizenship.

The U.S. Supreme Court ruled in favor of Wong Kim Arc, ruling that he was a U.S. citizen under the 14th Amendment to the U.S. Constitution. The Court’s ruling established that the 14th Amendment applied to everyone born in the United States — even to the children of foreigners — and that this constitutional right could not be limited by an act of Congress (in this case the Chinese Exclusion Act).

#### Anchor baby myth

“The myth of anchor babies is just that, a myth,” said Anjum Gupta, assistant

professor of law at Rutgers University School of Law–Newark. “Very few immigrants who give birth to children in the United States derive immigration benefits from their child’s citizenship,” she noted.

“One issue with respect to the myth of anchor babies that I think is under examined is the length of time it sometimes takes to go through the immigration court system,” Gupta, who is also director of the Immigrant Rights Clinic at Rutgers, said. “Because of backlogs in the immigration courts

and appellate bodies, it can take years for immigrants with even valid claims for immigration status to make it through the system. Such immigrants are often criticized for having ‘anchor babies’ in the interim. It is unrealistic to expect immigrants to put their lives on hold pending these delays, particularly when such delays can happen through no fault of their own.”

When determining the validity of statements made about the anchor baby issue, Politifact, a website that fact-checks assertions made by politicians, concluded, “Because citizen children cannot sponsor their parents for citizenship until they turn 21 — and because if the parents were ever illegal, they would have to return home for 10 years before applying to come in — having a baby to secure citizenship for its parents is an extremely long-term, and uncertain, process.”

#### What about the 14th Amendment?

Even if lawmakers decide to press forward with legislation to end birthright citizenship for anchor babies, there is a big obstacle standing in their way — the 14th Amendment.

Penny M. Venetis, clinical professor of law and co-director of the Constitutional Litigation Clinic at Rutgers School of Law–Newark, pointed out that the U.S. Constitution, as defined by itself in Article VI, is the “supreme Law of the Land.” As such, it has the final say if any other state or federal laws conflict with it.

Given this fact, many contend that if lawmakers want to change the rules for anchor babies in the U.S., they must first change the U.S. Constitution. That proposition is a lengthy process, which means the anchor baby issue will be in the headlines for a long time to come. ■



# “Don’t Say Gay” Bills Meet Resistance in State Legislatures

by Phyllis Raybin Emert

**Did you ever refuse to talk about something in the hope it would just go away? That seems to be the idea behind attempts to pass “Don’t Say Gay” legislation in some states.**

These laws would essentially prevent teachers and administrators in public schools from talking to their students about homosexuality. Opponents of this type of legislation point out that the proposed bills would stifle discussion of anti-gay bullying and would also affect the existence of gay-straight alliances, which provide many gay or questioning students with acceptance and support.

## Troubles in Tennessee

In 2011, the Tennessee Senate passed an amendment to the Tennessee code dealing with education. The amendment read: “The general assembly recognizes the sensitivity of particular subjects that are best explained in the home. Human sexuality is a complex subject with societal, scientific, psychological, and historical implications; those implications are best understood by children with sufficient maturity to grasp their complexity. Notwithstanding any other law to the contrary, no public elementary or middle school shall provide any instruction or material that discusses sexual orientation other than heterosexuality.”

After passing in the Senate, the amendment advanced to the Tennessee Assembly, where Rep. Joey Hensley sponsored it. In press reports Rep. Hensley said, “I have two children—in the third and fourth-grade—and don’t want them to be exposed to things I don’t agree with...Even though the state board disallows this now [sex education for grades K-8 is already banned in Tennessee], I’m afraid it does happen and sex education is talked about in a way that it is acceptable.”

The amendment caused a torrent of controversy and debate with opponents of the amendment concerned that it would have eliminated any anti-bullying discussion involving sexual orientation. After an assurance from the Department of Education that a

letter would be sent to all schools in the state reiterating that they cannot teach about homosexuality in grades K–8, Rep. Hensley agreed he would not bring the amendment up for vote in the Assembly and it was allowed to die.

Professor and activist Rebecca Lucas, president of a local Tennessee chapter of Parents, Families, and Friends of Lesbians and Gays (PFLAG), told a local television station that the legislation sends the wrong message. “We tell them [young students] that if you are gay or lesbian, bisexual or transgender, you are less than those of us who are not,” said Lucas. “So we are not even going to recognize that you might exist in history or in the world...that’s the message that they get.”

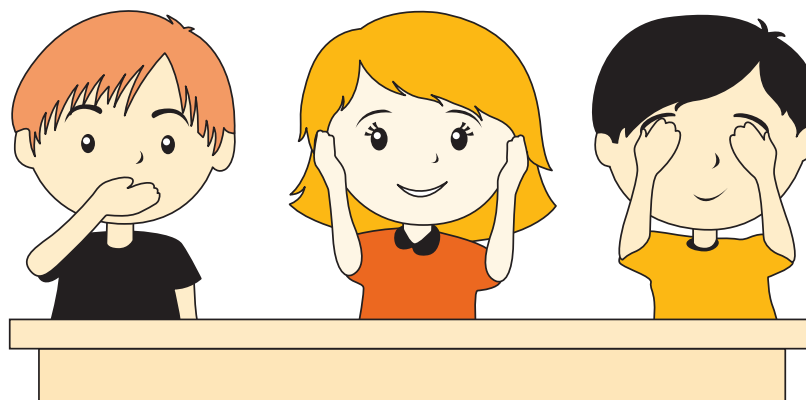
## Missouri’s turn

Rep. Steve Cookson of the Show Me State introduced a “Don’t Say Gay” bill in the Missouri House of Representatives in April 2012. The bill states: “This bill prohibits the discussion of sexual orientation in public school instruction, material, or extracurricular activity except in scientific instruction on human reproduction.”

The Missouri bill differs from the law introduced in Tennessee in that it includes extracurricular activities, which would include gay-straight alliances. In addition, classroom discussions about bullying, much of which deals with sexual orientation, same-sex marriage, or other matters related to gay rights, would be forbidden. Rep. Cookson insisted that his legislation is not an attack on homosexuals, but instead is refocusing on basic education subjects like math and science. According to Rep. Cookson, sexuality is distracting and best left up to the parents to teach at home.

The Missouri National Education Association and the American Academy of Pediatrics both opposed the legislation because it ignores and even shuns students who are gay or uncertain of their sexual orientation, and undermines their safety at school. It would also restrict teachers when students are bullied because of their sexuality, since the teachers would be unable to discuss the issue with the perpetrators or the victims of the bullying.

In an article for the First Amendment Center at Vanderbilt University, Dr. Charles C. Haynes, director of the Religious Freedom Education Project, wrote about these so-called “Don’t Say Gay” laws popping up across the country. Dr. Haynes wrote, “Some social-conservative lawmakers in these states are worried



*>continued on page 8*

## Jury Selection *continued from page 1*

Court ruled that dismissing members of a **cognizable group** from jury selection was unconstitutional.

### Challenging the jurors

During jury selection, also known as *voir dire*, which means, “to tell the truth,” the attorneys on both sides are allowed to ask questions of prospective jurors. This process allows the prosecutor (in a criminal trial) or the plaintiff (in a civil trial) and defense attorneys to select those jurors who they believe will be impartial and arrive at a verdict in favor of their client.

Both sides are allowed to dismiss prospective jurors with the use of two types of challenges. An attorney can challenge and dismiss a juror “for cause” if there is a conflict or obvious bias. For example, if a prospective juror is a friend of the defendant, a prosecutor would dismiss the person. A **peremptory** challenge, on the other hand, can remove a prospective juror for no stated reason. Both sides receive a certain amount of peremptory challenges and that number varies from state to state. For a civil action in New Jersey, both sides receive six peremptory challenges. In a New Jersey criminal trial, the number of peremptory challenges varies depending on the crime, as well as other factors.

### *Batson v. Kentucky*

It was the landmark case of *Batson v. Kentucky* in 1986 which held that under the equal protection clause of the U.S. Constitution, black jurors could not be dismissed solely on the basis of their race. In his opinion for the U.S. Supreme Court, Justice Lewis F. Powell wrote, “intentional discrimination against one group of citizens undermines public confidence in the fairness of our system of justice.”

*Batson* was later extended with the 1994 case of *JEB v. Alabama* to include sex. While some courts have interpreted these decisions to include sexual orientation, most do not believe that sexual orientation or gender identity is covered under *Batson*, and the U.S. Supreme Court has not ruled to extend *Batson* on that basis. A *Batson* challenge was denied in *U.S. v. Blaylock* in 2008 when it was ruled the juror was struck for nondiscriminatory reasons, and not reasons of sexual orientation.

### California ahead of the curve

The California Code of Civil Procedure states, “A party may not use a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex, national origin, sexual orientation, or similar grounds.” Statute notes cite: “Lesbians and gay males are a cognizable class, for purposes of a rule that a jury must be drawn from a representative cross-section of the community and, thus, exclusion of lesbians and gay men from juries on the basis of group bias violates the provision of the State Constitution governing jury trials.”

The amendment to the California statute came about because of the 2000 case of *People v. Garcia*. Prosecutors in the burglary case used peremptory challenges to dismiss two prospective jurors who identified themselves as lesbians.

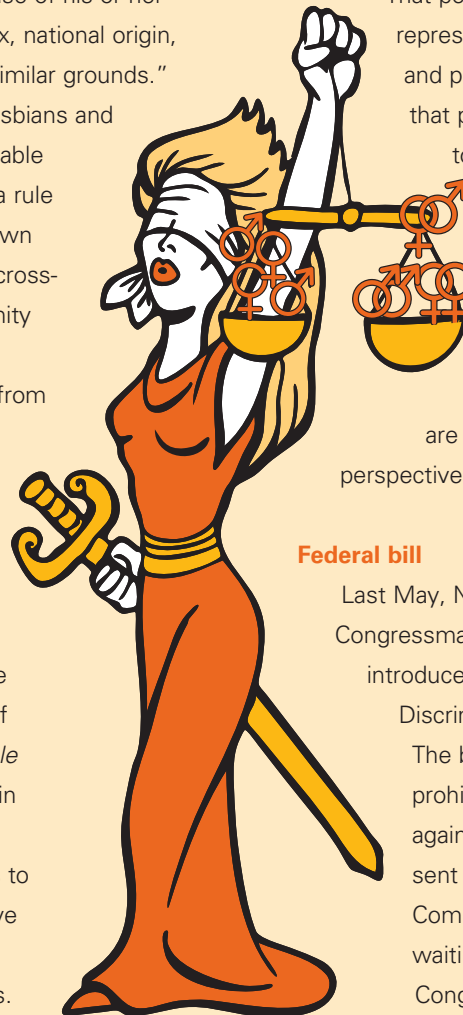
Although the defense objected, the trial judge in the case allowed their dismissal, declaring, “gays and lesbians are not a cognizable group.”

A California appeals court disagreed with the trial judge, becoming the first court in the country to issue a ruling banning discrimination against gays on a jury. In his opinion for the court, Justice William Bedsworth wrote, “It cannot seriously be argued in this era of ‘don’t ask; don’t tell’ that homosexuals do not have a common perspective — ‘a common social or psychological outlook on human events’ — based upon their membership in that community. They certainly share the common perspective of having spent their lives in a sexual minority, either exposed to or fearful of persecution and discrimination.

That perspective deserves representation in the jury, and people who share that perspective deserve to bear their share of the burdens and benefits of citizenship, including jury service...Both the defendant and the community are entitled to have that perspective represented.”

### Federal bill

Last May, New Jersey Congressman Steve Rothman introduced the Juror Non-Discrimination Act of 2012. The bill, which would have prohibited discrimination against LGBT jurors, was sent to the House Judiciary Committee where it is still waiting for a hearing. Since Congressman Rothman **page 8**



# History of the American Gay Rights Movement

As with other civil rights movements (African American, women, the disabled, etc.), progress in the gay rights movement has been slow and has suffered many setbacks. The following timeline was compiled with information from [infoplease.com](http://infoplease.com), *Newsweek*, *Time* magazine and PBS.

**1924** The Society for Human Rights, believed to be the first documented gay rights organization, is founded in Illinois. Due to political pressure, the society disbands soon after it is founded.

**1952** The American Psychiatric Association lists homosexuality as a sociopathic personality disturbance in its first publication of the *Diagnostic and Statistical Manual of Mental Disorders*. Many professionals in medicine, mental health and social sciences criticize the categorization due to lack of **empirical** and scientific data.

**1953** President Dwight Eisenhower signs an Executive Order banning homosexuals from working for the federal government. The Order lists homosexuals as security risks.

**1958** In the landmark case of *One, Inc. v. Olesen*, the U.S. Supreme Court rules in favor of the magazine, *One: The Homosexual Magazine*. The suit was filed after the U.S. Postal Service and the FBI declared the magazine obscene material, not fit to be delivered through the U.S. mail. This case marks the first time the U.S. Supreme Court rules in favor of homosexuals.

**1969** The Stonewall Riots in New York City mark what many believe is the beginning of the gay rights movement. The police raid the Stonewall Inn, a popular gay bar in Greenwich Village, and the patrons fight back, resisting the police with violent protests that continued for several nights. It was the first time the crowd of mostly young men ever objected to the way they were being treated.

**1970** On the one-year anniversary of the Stonewall Riots, thousands in the LGBT community march up Sixth Avenue to Central Park in what will be considered America's first gay pride parade.

**1973** The American Psychiatric Association votes unanimously to remove homosexuality from its list of mental illnesses.

**1977** Florida's Miami-Dade County passes a law (one of the country's first gay rights ordinances) making discrimination because of sexual orientation illegal. Christian singer Anita Bryant, a runner-up in the Miss America pageant, leads a successful movement to **repeal** the statute. Leading a group called Save Our Children, she said, "What these people really want, hidden behind obscure legal phrases, is the legal right to propose to our children that theirs is an acceptable alternate way of life."

**1977** Gay rights activist and openly gay male Harvey Milk wins election to the San Francisco Board of Supervisors. He sponsors a successful bill to outlaw discrimination based on sexual orientation and also leads a successful campaign to defeat Proposition 6, an initiative forbidding homosexual teachers. A year later, Milk, along with San Francisco Mayor George Moscone, is murdered.

**1979** An estimated 75,000 people participate in the National March on Washington for Lesbian and Gay Rights. LGBT people and straight allies demand the passage of protective civil rights legislation.

**1979** Harvey Milk's murderer, Dan White, an ex-police officer and former city supervisor, is acquitted of first-degree murder. White is convicted of voluntary manslaughter and receives a seven-year sentence. More than 5,000 protesters vandalize city hall in San Francisco in outrage over the lenient sentence.

**1980** Democrats add the following to the party platform at their convention: "All groups must be protected from discrimination based on race, color, religion, national origin, language, age, sex or sexual orientation."

**1981** *The New York Times* publishes an article, "Rare Cancer Seen in 41 Homosexuals," which is the first story about the disease that would later become known as AIDS. The Centers for Disease Control (CDC) refers to the disease as GRID (gay-related immune deficiency disorder). When symptoms are found outside of the gay community, a biologist lobbies to change the name to AIDS (acquired immune deficiency syndrome). The new name is first used in 1982.

**1982** Wisconsin is the first state to ban discrimination on the basis of sexual orientation in private-sector employment, housing and public accommodations such as restaurants and bars.

**1983** “Rev. Jerry Falwell refers to AIDS as the “gay plague,” claiming the disease is “God’s judgment on a society that does not live by His rules.”

**1987** In the second National March on Washington, more than 500,000 gay and straight activists demand that President Ronald Reagan address the AIDS crisis. It would not be until the end of his presidency that President Reagan would publicly speak about the epidemic.

**1988** In an effort to raise awareness, the World Health Organization deems December 1st as World AIDS Day. The familiar red ribbon, a symbol of AIDS awareness and compassion for those living with HIV/AIDS, would be adopted in 1991.

**1993** “Don’t Ask, Don’t Tell” policy is instituted for the U.S. Military. The policy allows gays to serve in the military as long as they don’t publicly disclose their sexual orientation.

**1996** In *Romer v. Evans*, the U.S. Supreme Court decides that Colorado’s 2nd Amendment, which denies gays and lesbians protections against discrimination, is unconstitutional. The Court rejects the state’s argument that the amendment merely blocks gay people from receiving “special rights.”

**1996** President Bill Clinton signs the Defense of Marriage Act into law. The law defines marriage as a legal union between one man and one woman and grants that no state is required to recognize a same-sex marriage from another state.

**1998** President Clinton signs an Executive Order forbidding the federal government from discriminating on the basis of sexual orientation.

**1998** Martin Luther King Jr.’s widow, Coretta Scott King, calls on the civil rights community to fight against homophobia. She receives criticism from members of the African American civil rights movement for comparing civil rights to gay rights.

**2000** Vermont becomes the first state to legalize civil unions—granting the same state benefits, civil rights and protections to same-sex couples as to married couples.

**2000** In *Boy Scouts of America v. Dale*, the U.S. Supreme Court rules that the Boy Scouts “have a constitutional right to ban gays because the organization’s opposition to homosexuality is part of its ‘expressive message.’”

**2004** Massachusetts becomes the first state to legalize gay marriage. The Massachusetts Supreme Court finds the prohibition of gay marriage unconstitutional because it denies dignity and equality of all individuals. In the coming years, Connecticut (2008), Iowa (2009), Vermont (2009), New Hampshire (2010), Washington D.C. (2010) and New York (2011) will follow suit.

**2006** Civil unions become legal in New Jersey, providing almost all the rights granted to married couples, except those denied by the Defense of Marriage Act.

**2008** In May, the California Supreme Court “rules that same-sex couples have a constitutional right to marry.” In November, however, Californians approve Proposition 8, voting to change the state constitution to limit the definition of marriage to heterosexual couples.

**2010** U.S. Senate strikes down “Don’t Ask, Don’t Tell” policy, allowing gays and lesbians to serve openly in the U.S. Military.

**2009** President Barack Obama signs the Matthew Shepard Act into law, which expands the 1969 U.S. Federal Hate Crime Law to include crimes motivated by a victim’s actual or perceived gender, sexual orientation, gender identity or disability. The Act is named after a gay college student who was robbed, tortured and murdered near Laramie, Wyoming. Shepard’s brutal death emphasized the need for enhanced hate-crime laws.

**2011** President Obama states his administration will no longer defend the Defense of Marriage Act, which bans the recognition of same-sex marriage.

**2012** The Ninth Circuit Court of Appeals in California rules that Proposition 8 is unconstitutional because it violates the Equal Protection Clause of the U.S. Constitution’s 14th Amendment. The court’s ruling states, “the law operates with no apparent purpose but to impose on gays and lesbians, through the public law, a majority’s private disapproval of them and their relationships.” The decision is appealed to the U.S. Supreme Court.

## “Don’t Say Gay” *continued from page 4*

about what they see as a ‘homosexual agenda’ being promoted in public schools. When pressed to give examples, Cookson pointed to the ‘80 school-sponsored gay-straight alliances’ across the state.” In his article, Dr. Haynes points out that gay-straight alliances are “student-initiated, not school-sponsored. In fact, under the federal Equal Access Act (EAA), secondary schools must permit students to form such clubs if the school allows other extracurricular clubs. Cookson’s bill would not only run afoul of the EAA, but it also would violate freedom of speech protected by the First Amendment.”

Rep. Cookson and other Missouri legislators were probably surprised when their colleague, Republican Rep. Zach Wyatt, in a press conference denouncing the bill, also came out as “a proud gay man.” About the bill, Rep. Wyatt said, “How can we protect gay kids in rural schools where many are afraid to even mention the word gay, let alone address this type of issue?” About his difficult decision to reveal his sexuality, Rep. Wyatt said, “I keep thinking of those kids getting bullied or worse yet, killing themselves. I felt I needed to sacrifice a little.”

The Missouri bill was referred to the Elementary and Secondary Education Committee. No hearings are scheduled on the bill and no other action has been taken.

### Utah goes even further

In March 2012, Utah passed legislation that would have defined sex education in Utah as abstinence-only and banned instruction in sexual intercourse, homosexuality, contraceptive methods and sexual activity outside of marriage. The legislation would have also allowed schools to drop sex education classes altogether. For those schools that choose to keep the classes, parents could decide whether or not their children participated.

Utah Governor Gary Herbert vetoed the bill, telling the *Salt Lake Tribune* that the legislation “simply goes too far by constricting parental options.” In press reports, Governor Herbert said, “I am unwilling to conclude that the state knows better than Utah’s parents as to what is best for their children.” ■

## Jury Selection *continued from page 5*

lost his Democratic primary in June and plans to retire after his term ends, the bill will likely die in committee.

In September 2012, New Hampshire Senator Jeanne Shaheen, along with two other senators, introduced the Jury ACCESS (Access for Capable Citizens and Equality in Service Selection) Act, which would prevent discrimination against LGBT citizens during the federal jury process. The Act would amend the federal statute to include “sexual orientation” and “gender identity,” meaning that dismissing jurors on that basis would be prohibited. The bill was referred to the Senate Judiciary Committee.

“We now have explicit protections in place to prevent striking jurors on the basis of race, color, religion, sex, national origin and economic status,” Senator Shaheen said in a statement. “The question really is: how is it that in 2012 members of the LGBT community are not included on this list.” ■

## Glossary

**cognizable group** — a group that shares the same characteristics (i.e., that of race, gender, nationality, etc.).

**empirical** — based on experience or observation rather than theory.

**legislation** — laws made by a legislative body.

**peremptory** — unconditional, absolute.

**repealed** — revoked. A law (or amendment) that is repealed has been withdrawn or canceled and is no longer a law.

**reverse** — to void or change a decision by a lower court.

**statute** — legislation that has been signed into law.