

**Excerpt from the book “The Worldwide Assault on the Family:Exposed”
by Sharon Slater**

The U.S. Courts’ Increasing Assault on Parental Rights

In 2007, Chief Judge Mark Wolf of the U.S. district court in Massachusetts declared that parents have no right to shield their children from pro-homosexual indoctrination in public schools in that state.¹ His landmark ruling addressed a lawsuit filed by two couples, the Parkers and the Wirthlins, who were attempting to protect their children from homosexual indoctrination in their local elementary school. One of the books at issue in the case read to these young children was entitled “*King and King*,” a story about a prince looking for a spouse. After rejecting several princesses, the prince finally finds his true love – another prince. At the end of the book, there is a cartoon of the two men/princes kissing. The Parkers and Wirthlins did not seek to stop the schools from promoting homosexuality, they simply sought to opt their children out of such teachings.

Judge Wolf made the following statements to support his decision:

- The Constitution does not permit [parents] to prescribe what [their] children will be taught [in public schools].
- Under the [U.S.] Constitution public schools are entitled to teach anything that is reasonably related to the goals of preparing students to become productive citizens in our democracy. Diversity is a hallmark of our nation. It is increasingly evident that our diversity includes differences in sexual orientation.
- The conduct at issue [that is, teaching about homosexuality through children’s books] is rationally related to the goal of . . . eradicating what the Massachusetts Supreme Judicial Court characterized as the “deep and scaring hardship” that the ban on same sex marriage imposed “on a very real segment of the community for no rational reason.”²
- Parents have a right to inform their children when and as they wish on the subject of sex; they have no constitutional right, however, to prevent a public school from providing its students with whatever information it wishes to provide, sexual or otherwise, when and as the school determines that it is appropriate to do so.
- As it is difficult to change attitudes and stereotypes after they have developed, it is reasonable for public schools to attempt to teach understanding and respect for gays and lesbians to young students in order to minimize the risk of damaging abuse in school of those who may be perceived to be different.

In rejecting the simple request of the Parkers and Wirthlins to exempt their children from teaching about homosexuality or same-sex marriage, Judge Wolf stated: “An exodus from class when issues of homosexuality or same-sex marriage are to be discussed could send the message that gays, lesbians, and the children of same-sex parents are inferior, and therefore, have a damaging effect on those students.”

Judge Wolf also claimed that parents do not have a constitutional right “to prevent a public school from providing its students with whatever information it wishes to provide, sexual or otherwise” because they can send their children to private schools or home school them if they do not like the curriculum in their public school. His reasoning erroneously assumes, however, that those other educational alternatives are viable options for all parents who object to homosexual indoctrination of their children.

On appeal, the U.S. Court of Appeals for the First Circuit reaffirmed the lower court’s dismissal of the case noting that public education prepares students for citizenship. Thus, the court cited prior U.S. Supreme Court precedent that schools do have a right to prohibit lewd speech, yet then also ruled that the schools cannot prohibit the promotion of homosexuality in the schools. (As if prohibiting lewd speech and promoting homosexual behavior such as men kissing each other are equally necessary to prepare our children to become good citizens!)

However, even more significant was the appellate court’s reasoning that since “Massachusetts has recognized gay marriage under its state constitution,” the court asserted that the state’s schools have the right to “educate their students regarding that recognition.”³

These are important rulings that every parent in the U.S. must understand. What this court of appeals is really saying is that where same-sex marriage is legalized, our public schools have the right (and some would claim the responsibility) to educate their students about homosexuality and same-sex marriage. So parents who do not want to end up like the Parkers and the Wirthlins (with no right to opt their children out of such indoctrination), have a vested interest in ensuring that same-sex marriage is not legalized in their states. This is also a concrete example of how the “live and let live” approach too many people are taking to legalizing same-sex marriage can eventually come back to bite them and their children.

One of the main reasons the court of appeals decided the Parkers and Wirthlins had no constitutional right based on freedom of religion to opt their children out of homosexual instruction in the public schools was the lack of evidence of “systemic indoctrination.” In other words, our children would need to be subjected to a “constant stream of like [religiously repugnant] materials” before that court would consider whether there was sufficient coercion on religious free exercise rights. That’s because according to the court, “Public schools are not obliged to shield individual students from ideas which potentially are religiously offensive.”⁴

Commenting on other court opinions on parental rights that led to this decision, the Legacy Law Foundation pointed out that:

Judge Wolf cited with approval two cases that have caused parents particular grief. The first, *Brown v. Hot, Sexy and Safer Productions* (1995), held that high schools could force fifteen-year-olds to attend sexually explicit AIDS awareness events, despite their own wishes or the wishes of their parents. *Fields v. Palmdale* (2005) is even more egregious. The court ruled that an elementary school could distribute an offensive and sexually explicit survey to young children, because parents do not have a right to impose “their own idiosyncratic views as to what information the schools may dispense.”

There is still hope, however. The Parkers and Wirthlins recently appealed this case to the U.S. Supreme Court. All parents certainly have a stake in the outcome. Yet we cannot place all our hope on the Supreme Court decision. We must become actively involved in steering the curricula of our public schools.

Phyllis Schlafley, Founder and President of the conservative Eagle Forum, suggested that since “the federal government gives about \$60 billion a year to public schools,” we should seek to elect a presidential candidate that will:

... promise to sign school appropriation bills only if they contain language to protect parents’ rights to protect their children against such things as nosy questionnaires about sex, drugs and suicide; mental health screening; forcing school children to be put on psychotropic drugs; courses that promote ... homosexuality; ... classroom materials that parents consider pornographic; giving birth control to 6th grade girls without parents’ knowledge or consent; and sex education and sexual orientation courses even if they are masquerading as “diversity” courses.⁵

Call to Action

Phyllis Schlafley’s suggestion is sound. Since it is *our* tax dollars that are funding the schools, we need to elect government officials who will ensure that parental rights are protected. We also need to work with these officials to enact legislation that prohibits funding of schools that insist on indoctrinating our children in radical theories of sexuality.

In our legislative efforts, however, we must use very precise and comprehensive language because schools will find ways to work around any generally worded prohibitions. Massachusetts, for example, has a statute that requires that parents be given notice and the opportunity to exempt their children from curriculum that primarily involves human sexual education or human sexuality issues. But the school declined to apply this statutory exemption to the Parkers and Wirthlins on the grounds that the books at issue in the case did not primarily involve human sexual education or human sexuality issues.

Indeed, the school superintendent explained that it would not even notify parents for any “discussions, activities, or materials that simply reference same-gender parents or that otherwise recognize the existence of differences in sexual orientation.”⁶

Another example of the need for careful legislative drafting on restricting sexual education in public schools is noted in the chapter entitled “Assault on Our Children’s Sexuality.” In this chapter I explain how my own children also have been subjected to homosexual indoctrination in our public schools in Gilbert, Arizona. Once I became aware of it, I did some research and found an Arizona statute that prohibits public schools in the state from promoting homosexuality as healthy or normal.

I thought I had the tool to have these materials removed from our school district. However, the school board responded that since the provision I found was under the sex education section of the Arizona statutes governing schools, it only prohibited such teachings in “sex education” classes. Homosexuality had been promoted to my children and their friends in a history class, in a speech and debate class, and in a science class. The school took the position that it was perfectly legal to promote homosexuality to my children in these other classes, and I could not do anything about it.

The only remedy to the problem with my school in Arizona is to work to pass new legislation in our state that clearly and unambiguously prohibits the indoctrination of children about homosexuality or the promotion of promiscuous sex in *any* class. Parents need to band together to pass clearly worded legislation in every state and at the federal level protecting our children from such teachings.

In summary, our rights to raise our children according to our own values are slowly being eroded by those who would seek to corrupt our children and liberate them from their parents’ “antiquated values.” Parents must understand the attacks on their rights and work together to ensure that laws, policies and school curricula respect their rights, duties and responsibilities to protect their children from radical sexual theories.

¹ See *Parker v. Hurley*, 474 F. Supp. 2d 261 (D. Mass. 2007).

² *Parker*, 474 F. Supp. 2d 261 (quoting *Goodridge v. Department of Health*, 440 Mass. 309, 341 (2003)).

³ *Parker v. Hurley*, [2008 U.S. App. LEXIS 2070 \(1st Cir. Mass., Jan. 31, 2008\)](#).

⁴ *Ibid.*

⁵ “What We Want in a Presidential Candidate,” Speech given October 19, 2007, printed in *The Phyllis Schlafley Report*, vol. 41, no. 4, November 2007, available <http://www.eagleforum.org/psr/2007/nov07/psrnov07.html>.

⁶ *Supra* note 3.