

THE CQ Researcher

PUBLISHED BY CONGRESSIONAL QUARTERLY INC.

Parental Rights

Are new laws needed to empower parents?

Conservative lawmakers and the Religious Right say liberal bureaucrats, courts and legislators have usurped parents' authority over their children. They have mounted an aggressive campaign to win new parental rights guarantees in state constitutions and federal law. On Nov. 5, Coloradans will vote on a constitutional amendment giving parents the "inalienable" right "to direct and control the upbringing, education, values and discipline of their children." Sponsors in 27 other states are pushing similar amendments, and parental rights legislation has been introduced in Congress. A broad coalition of opponents argues that parental rights laws are dangerous and unnecessary. Such laws would not only put children at new risk for abuse, they say, but also throw schools into gridlock and lead to costly lawsuits.



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EDITOR

Sandra Stencel

MANAGING EDITOR

Thomas J. Colin

ASSOCIATE EDITORS

Sarah M. Magner
Richard L. Worsnop

STAFF WRITERS

Charles S. Clark
Mary H. Cooper
Kenneth Jost

EDITORIAL ASSISTANT

Tonya Harris

PUBLISHED BY

Congressional Quarterly Inc.

CHAIRMAN

Andrew Barnes

VICE CHAIRMAN

Andrew P. Corty

EDITOR AND PUBLISHER

Neil Skene

EXECUTIVE EDITOR

Robert W. Merry

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The CQ Researcher (ISSN 1056-2036). Formerly Editorial Research Reports. Published weekly (48 times per year, not printed March 1, May 31, Aug. 30, Nov. 29) by Congressional Quarterly Inc., 1414 22nd St., N.W., Washington, D.C. 20037. Annual subscription rate for libraries, businesses and government is \$319. Additional rates furnished upon request. Periodicals postage paid at Washington, D.C. POSTMASTER: Send address changes to The CQ Researcher, 1414 22nd St., N.W., Washington, D.C. 20037.

Parental Rights

BY THOMAS J. BILLITERI

THE ISSUES

John Burrington of Colorado Springs has seen too much ugliness in his years as a pediatric surgeon. Children with bones fractured by angry parents. Children with welts from electric cords. Children who have been burned and scarred, and worse.

And now Burrington thinks he sees something every bit as abhorrent: a proposed amendment to the Colorado Constitution that would give parents the “inalienable” right “to direct and control the upbringing, education, values and discipline of their children.” Indeed, Burrington worries that the amendment — to be decided by voters Nov. 5 — has the potential to shield child abusers.

On the surface, Colorado’s “parental rights” initiative seems as uncontroversial an election-year issue as clean air and full employment. “To vote no is like voting no to mom, apple pie and the flag,” Burrington acknowledges.

But Burrington thinks the proposal, by sanctioning parental discipline, would put children at greater risk for abuse and neglect. Moreover, he fears, it would encourage parents to sue teachers, principals or other government representatives over school curricula and many other decisions affecting their children that the parents didn’t like.

“It’s fairly difficult to prosecute child abuse cases now,” Burrington says. If parents have an “inalienable” right to discipline their children, “then it will be almost impossible to prosecute child abuse short of mayhem or murder.” The amendment, he says, “is absolutely criminal and will set things back 100 years.”

Amendment supporters, including conservative lawmakers and the Chris-



tian Right, call such statements nonsense. The measure grants no new rights, they argue, but simply codifies existing ones that lower courts, bureaucracies, school boards and legislators have taken away. A short, clearly worded amendment would give parents a more streamlined and economical means than they have now to challenge government intrusion into family decisions — such as how a child learns about sex or whether a parent may spank a misbehaving child.

“Like many Coloradans, I’m concerned about what appears to be an assault on the American family,” said Denver lawyer Mike Norton, a former U.S. attorney in the Reagan administration and a spokesman for the Coalition for Parental Responsibility, which is leading the initiative drive. “This would give parents a [legal] basis on which to argue that they are in the best position to control the upbringing of their children.”¹

Norton views as “outrageous” arguments that the measure would protect child abusers. “Everybody knows what discipline is and what child abuse

is,” he said. “Our parental rights amendment is not going to supersede the Criminal Code.”²

As the first state to bring a parental rights amendment to a vote, Colorado is at the epicenter of an emerging nationwide movement. Proponents hope that codifying parental rights will help limit how far government can “intrude” on children’s lives and parents’ right to raise their children as they see fit. The outcome could have profound consequences for public education, family law and child protection — and any other area where government and the rights of children and parents intersect.³

Approval of Colorado’s initiative could give momentum to nascent efforts in more than two dozen other states, and perhaps rekindle interest in parental rights in Congress, where two such bills were introduced in 1995. (See *map*, p. 940.)

“Once we win in Colorado in November, it will prove this is a successful concept,” says Greg D. Erken, executive director of “Of the People,” an Arlington, Va., group that has been pushing parental rights amendments nationwide since 1993. “We expect that a number of states in 1997 and 1998 will renew their efforts to adopt their own parental rights amendments.”

Those backing parental rights measures include such conservative stalwarts as the Christian Coalition (which had a parental rights plank in its 1995 Contract With the American Family), the Traditional Values Coalition, the Home School Legal Defense Association and the Heritage Foundation.

Supporters claim that the Supreme Court long ago classified parental rights as “fundamental,” thus giving them the same strict level of judicial protection as free speech and religion and racial equality. That hotly contested claim rests largely on a pair of high court rulings from the 1920s (see p. 950).

ties, and parents don't know about it."

Psychologist James C. Dobson, a conservative radio broadcaster and founder of Colorado Springs-based Focus on the Family, sees the struggle for parental rights as a "contest between two world views. There are those of us who . . . believe that we should bring our children up to worship God and understand his principles . . . including the sanctity of life and premarital chastity [and] those on the other end of the continuum who hold to no eternal truths. . . ."

"This contest . . . is [being] played out . . . throughout government, in the educational system and everywhere else decisions are being made for the culture. It is especially relevant to children because we all know children are the prize to the winner. You know, those who are able to tell children what is right and wrong, those who are able to write the curricula for kids, will necessarily determine the future of the culture because in just 20 years those youngsters will be adults and will be taking over. And so there is an intense struggle for the hearts and minds of kids. That's what's behind this invasion of parental rights."⁵

Dozens of professional organizations and liberal advocacy groups are fighting the parental-rights push. They include groups as diverse as The National PTA, the National Education Association (NEA), the American Civil Liberties Union, Planned Parenthood Federation of America, the American Academy of Pediatrics and the National Council of Churches of Christ. They argue that codifying parental rights into an "ambiguous" new law would have catastrophic consequences: gridlock in the public education system; greater incidence of child abuse and teen pregnancy; soaring government legal bills; and a virtual dismantling of child-protection safeguards.

"By giving parents a new cause of action to assert their views in court, this legislation would open to challenge virtually any governmental action or policy involving the health, safety and welfare of children," warned the Academy of Pediatrics.⁶

"None would [disagree] that active parental involvement in the care, upbringing and education of our children is the cornerstone of a strong, healthy society," Sammy J. Quintana,



"The question is: Who is in charge of public education? It is the job of educators and schools to determine the curriculum that is going to best [produce] a learned citizen."

— Anne Bryant, executive director, National School Boards Association

president of the National School Boards Association, told a Senate Judiciary subcommittee hearing last December on the proposed Parental Rights and Responsibilities Act. "[But] this bill is about making it more difficult for public schools to teach our children. It is about lining the pockets of lawyers and draining the scarce educational resources in our schools. It is about putting the health and safety of our children in jeopardy. It is about

playing politics with our children."⁷

Some opponents also charge that parental rights activists are engaged in a "stealth" effort to gain greater control of the public schools, erode the wall of separation between church and state and win approval for tax-paid vouchers to fund private or parochial schooling.

The strict legal test in the bills proposed in Congress requires government to show a "compelling interest" in any action it takes impinging on "parental rights." That troubles Rebecca Isaacs, director of public policy for People for the American Way, a seasoned liberal advocacy group that is heading up an opposition coalition.

"The law would let any parent sue over something that they believe in an extremely vague, broad way interferes with their right to bring up their child," Isaacs says. "You can't have any [law] with a lower threshold or broader right with a harder burden for government to meet. It's unprecedented."

Public support for codifying parental rights is, in some ways, difficult to predict. A *Rocky Mountain News* poll of registered Colorado voters in early September found a 76 percent approval rate for the state's constitutional amendment (72 percent of Democrats approved and 83 percent of Republicans).⁸

While foes of Colorado's parental rights amendment acknowledged the difficulty of making their case on such a complex and emotional issue, they predicted that much of the support would evaporate once voters learned the implications of the simply worded measure.

"My experience in focus groups is that as soon as you start talking about what this [Colorado measure] could mean, the support drops off very rap-

From Peyote to Religious Freedom . . .

It was an obscure religious practice involving the hallucinogenic drug peyote, but it touched off a national controversy that now involves parental rights.

In 1990, the U.S. Supreme Court affirmed Oregon's denial of unemployment benefits to two Native Americans dismissed from their jobs at a private drug rehabilitation center. The reason for their dismissal: ingesting peyote as part of tribal religious rituals.

The Native Americans claimed the First Amendment's guarantee of religious freedom made the state's action unconstitutional. But Oregon argued that they had been fired for "work-related misconduct" — and thus didn't deserve jobless benefits — because using peyote was a criminal offense under state law.¹

Fearing the Smith decision could curtail religious freedoms far beyond peyote use, an unusually broad coalition of religious groups — from the liberal National Council of Churches of Christ to the National Association of Evangelicals — helped push a bill through Congress to preclude such rulings in the future. President Clinton signed the Religious Freedom Restoration Act (RFRA) in 1993.²

Now, some parental rights advocates are saying that the parental rights act proposed last year by Sen. Charles E. Grassley, R-Iowa, and Rep. Steve Largent, R-Okla., is the secular complement to RFRA, with both protecting fundamental rights guaranteed by the Constitution.³

A leading proponent of that view is Michael P. Farris, president of the Home School Legal Defense Association. Farris co-chaired the drafting committee on RFRA and was

a chief architect of the Grassley-Largent legislation.

"Religious liberty was undermined by a single stroke of a Supreme Court guillotine" in the peyote case, Farris said in congressional testimony last year. "Parental liberty is dying from the cuts of a thousand switchblades."⁴

To Farris, the disconnect between parents' secular and religious rights became abundantly clear in a pair of home-schooling cases he brought before the Michigan Supreme Court in the early 1990s.⁵

In the cases, consolidated for oral arguments, two families contended that a Michigan law requiring all teachers to be certified was an unconstitutional infringement on their rights. One family, the DeJonges, wanted to home school for religious reasons. The other, the Bennetts, had non-religious reasons.

In the DeJonge case, the court "used the fundamental rights test and concluded that the [Michigan] statute was unconstitutional because it violated the principles of religious freedom when combined with parental rights," Farris told the congressional hearing.

In the Bennett case, Farris said he argued that the parents' rights "to direct the upbringing of their children was also a fundamental right." But the Bennetts lost.

The court, rendering both decisions on the same day in 1993, said in the Bennetts' case that "the fundamental rights analysis did not apply to a parental rights claim standing alone without a religious component," Farris testified.

And that brings Farris back to his RFRA argument. "The difficulty that parents face in court when they're trying to

idly. The devil is really in the details," says Michael Hudson, vice president of People for the American Way, a leading member of the Protect Our Children Coalition, which is opposing the Colorado initiative.

Outside Colorado, similar amendments have found sponsors in 27 state legislatures, to a large extent due to the efforts of the group Of the People, which has support from the American Legislative Exchange Council, a group of conservative state lawmakers.

Central to the debate over parental rights are several high-profile cases that proponents say reflect the growing usurpation of parental authority by government: Parents who say they were told it was "none of your business" after they objected to their teen

daughters being taken by a school counselor to a clinic where birth-control materials were dispensed; students who say they were unable to "opt out" of sex-education courses; parents outraged by a school-sponsored physical exam that included genital inspections of sixth-grade girls.

Foes claim parental rights backers are exaggerating or altering details of cases, and in some instances using "bogus horror stories" to wage a disinformation campaign, according to Americans United for Separation of Church and State.⁹

Movement backers "specialize in lurid, tabloid-type anecdotes to try to show there is some broad, sweeping problem, rather than [a problem] that should be — and could be — taken care of in the

local community," says Isaacs.

"In my experience, the Chicken Little, sky is falling phenomenon is occurring," says Gloria Feldt, president of Planned Parenthood. "I would not want to say no parent has ever been treated unfairly; the justice system is sometimes imperfect. But those of us who have been teachers and worked with youth and families in different situations tend to know that there is seldom a clear black and white" picture of what happens when children are involved.

But parental rights advocates counter that it is the liberals who are engaging in hyperbole, predicting dire consequences from parental rights measures in attempts to derail the movement. Not only are courts and

... to the Fight Over Parental Rights

litigate their cases is exactly the same” as that faced by claimants after the peyote case, he says. “Courts are using the wrong standards for evaluating their rights. Nobody denies parents have rights — the question is, what level: fundamental or non-fundamental?”

In the Smith decision, Farris says, “The Supreme Court decided religious freedom was not a fundamental right. In parental rights cases (without a religious dimension), a lot of appellate and lower courts in the federal and state system have decided parents’ rights are not fundamental. RFRA gives all religious-based claims in public schools fundamental-rights status. So what’s left to be established are secular-based claims.”

And that is why those who argue that the parental rights movement is a stealth attempt to inject religion into the schools “can be proven almost silly in their arguments,” Farris maintains.

“It’s the secular parents who are the only ones who stand to win anything (from parental rights laws) in terms of their interaction with the public schools,” he says. Religious parents, he adds, already have RFRA.

Opponents of the parental rights movement reject Farris’ argument that a parental rights bill is the needed complement to RFRA. “It’s a snow job,” says Rebecca Isaacs, director of public policy at People for the American Way.

Isaacs and other critics say RFRA is unlike the Parental Rights and Responsibilities Act because RFRA provides a narrow remedy whereas the parental rights bill takes a broad-brush approach.

Under RFRA, they say, a person could be individually

exempted from a law that substantially infringes on his religious freedom. Under the parental rights bill, an aggrieved party could suspend some government functions for all citizens.

Not only that, critics say, a parental rights measure would allow individual parents to manipulate local policy to reflect their personal religious beliefs. And unlike RFRA, where the individual has to prove the government took away his religious freedom, a parental rights measure would put an onerous burden of proof on government, critics say.

“Under parental rights legislation, all you have to show is that you’re a parent and that you think some activity a local institution is doing interferes with your newly named fundamental rights,” Isaacs says. “Then the government has to show a compelling interest for that activity and that it was accomplished by the least restrictive means.”

For schools, child-abuse workers and health and safety agencies, she says, that burden of proof “is going to wreak havoc.”

¹Kermit L. Hall, ed., *The Oxford Companion to the Supreme Court* (1992), p. 725. The case is *Employment Division v. Smith*.

²See *1993 CQ Almanac*, p. 315.

³The bills died when the 104th Congress ended and must be reintroduced next year.

⁴Farris testified before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, Oct. 26, 1995.

⁵For background, see “Home Schooling,” *The CQ Researcher*, Sept. 9, 1994, pp. 769-792.

bureaucracies usurping parental authority, parental rights advocates counter, but liberals are engaging in hysteria of their own.

“It’s Chicken Little, the sky is falling,” says Sheldon of the Traditional Values Coalition, echoing Feldt from across the ideological chasm. “It doesn’t matter what the issue is.”

But if parental rights pass, Sheldon adds, courts and bureaucracies will think twice about usurping parental authority, and school personnel and other government workers “will have to be more careful” about how they deal with students’ rights. “They’re not careful now — they don’t have to be.”

As the debate continues over parental rights, these are some of the questions being asked:

Is it necessary to codify parental rights into law?

A parental rights law or amendment is needed, advocates insist, because lower courts, school boards and legislators have chipped away at the rights established long ago by the Supreme Court.

While parental rights may still exist on paper, they say, the “little guy” can’t afford to pursue them against powerful groups like the NEA and well-organized bureaucracies such as school boards and child protective services. Even members of the “humane professions” — educators, lawyers, doctors, social workers and school counselors — have usurped the role of parents, critics contend.

The answer, according to parental

rights backers, is a variety of legal tacks that critics say would be destructive and unnecessary.

The Grassley-Largent parental rights bills that died in the 104th Congress could well resurface next year. They guaranteed parental rights in education, health decisions, discipline (including “reasonable corporal discipline”) and religious instruction. The measures excluded abuse, neglect and custody disputes from their scope, and prevented parents from withholding medical treatment in cases involving serious harm.

The Colorado initiative, bearing the characteristic brevity of most constitutional amendments, contains no stated exclusions, and supporters say its reference to “discipline” is tied to exist-

ing state definitions. The Grassley version of the federal bill required a parent to try to settle a dispute out of court, but Colorado's measure has no such stipulation.

Many other proposed state constitutional amendments are even more broadly written. The key portion of the model language proposed by Of the People simply says: "The right of parents to direct the upbringing and education of their children shall not be infringed."

The federal bills sought to erect the highest legal hurdle for the "government" — be it a kindergarten teacher, child-welfare bureau or federal agency. To justify an action that impinged on parental rights, the government would have to demonstrate that the action was essential to "accomplish a compelling governmental interest" and that it used "the least restrictive means of accomplishing" that interest. Parents who believed their rights were trampled could sue in state or federal court.

In requiring the government to show "clear and convincing" evidence that an action was necessary, Grassley's proposed federal standard is even stricter than the "preponderance" of evidence standard called for in racial-discrimination cases. But critics of the bill say the cases cited by parental rights proponents do not warrant imposing draconian legal burdens on school boards and juvenile-welfare boards.

Proponents frequently point to the controversial 1995 case *Brown v. Hot, Sexy and Safer Productions Inc.*, in which parents in Massachusetts charged they were not given an opportunity to review or remove their children from a graphic high school "AIDS-awareness" assembly. According to the parents' suit, the program's

speaker allegedly used profane language to describe body parts and excretory functions and advocated oral sex, masturbation, gay sexual activity and condom use.

The appeals court found no violation of family rights protections, adding fuel — and another oft-used anecdote — to the parental rights de-



“There’s a clear move in this country to outlaw spanking. We want to say that parents always have a right to reasonable spanking.”

**— Michael P. Farris, president,
Home School Legal Defense Association**

bate. “It is this type of unbending governmental abuse of authority in transgressing the fundamental right of the family that requires the ‘compelling interest’ standard to be applied in these situations,” declared the American Center for Law and Justice, a Christian legal advocacy group in Virginia Beach, Va.¹⁰

Of the People founder Jeffrey Bell agrees. He says that the model state amendment proposed by Of the People is intentionally broad to spark a debate about parental rights and responsibilities. He says the group

wants to leave the details of the amendment to be worked out at the community level — and, if need be, in the courts. “It doesn’t argue each and every controversial educational practice,” Bell told the Christian Coalition in September. “It gets it back to a sovereignty issue: populism vs. elitism. Who is in charge? Who should be in charge?”

Critics of the proposed parental rights legislation argue, however, that imposing a compelling-interest standard on government would lead to an explosion of destructive social consequences and the nullification of dozens of state laws that carefully balance parental rights and the needs of children.

“Communities would be paralyzed under the threat of lawsuits about virtually all the services and programs they provide,” said People for the American Way. “Child protective services would be discouraged from investigating reports of abuse. . . . Basic health care in schools, such as hearing and vision testing and sports physicals, could be prohibited. Local decisions between parents and educators about curriculum content, textbook selection and student assessments could be overturned.”¹¹

“This bill does not ‘codify’ existing law,” the NEA says. It “creates a *new* fundamental right and will have dire consequences for this country’s public schools.”¹²

Besides, the NEA and other opponents argue, parents already have a wide array of rights and options to fight what they consider unreasonable government interference. Pediatric surgeon Burrington notes, for example, that parents in Colorado can home-school their children.¹³ “The problem is parental responsibility,” he says. “You can’t legislate responsibility.”

Would a federal Parental Rights and Responsibilities Act or similar state laws produce educational gridlock?

Critics call parental rights legislation a train wreck waiting to happen. "The legislation is so broad that it could be read to give [parents] a veto over everything that's done in the school," said Gwen Gregory, deputy general counsel for the National School Boards Association. "Schools would come to a screeching halt."¹⁴

The 2.4-million-member NEA, the nation's largest teachers' union, claims the federal Parental Rights and Responsibilities Act would, among other things, force schools to provide a "designer" curriculum for each student, allow parents to sue a teacher for saying anything in class the parents don't like, give parents the right to opt their children out of required courses and allow parents to win suits challenging such policies as "no pass/no play" rules and teacher grading standards.

"This legislation is disruptive, intrusive, expensive and unnecessary, and will wreak havoc in the public schools," the NEA declared in a recent statement.

Many educators also claim that parental rights laws would destroy the traditional democratic underpinnings of the public school system, making litigation the preferred engine of change instead of traditional approaches such as school board elections, referendums and parent-teacher negotiations.

Shirley Igo, the National PTA's vice president for legislation, also worries that parental rights initiatives could chill parental involvement in the schools because volunteers would fear being dragged into court. "It would destroy the level of trust the PTA has been working to build over the past 100 years," Igo says.

With parental rights laws in place, control of curricula decisions, ancillary services such as drug and birth-control counseling, sex education and even choice of library books would

be in the hands of a religious or ultra-conservative minority rather than professional educators, opponents say.

"The question is, who is in charge of public education?" says Anne Bryant, executive director of the school boards association. "It is the job of educators and schools to determine the curriculum that is going to best [produce] a learned citizen."

Critics say the proposed measures would also discourage school districts and public health agencies from making pregnancy and drug counseling available to teens, resulting in higher rates of illegitimacy, drug abuse and disease.

"A major concern," says Feldt of Planned Parenthood, is that parental rights measures would gut confidentiality laws that now protect teens seeking sensitive services such as prenatal care, birth control and treatment for sexually transmitted disease. "Obviously in the ideal world, teens would be communicating with parents about these issues," Feldt says. "We'd support programs to further that, but laws that are punitive in nature don't further that parent-child relationship. Not every family comes from the 'Ozzie and Harriet' mold."

Some also see a hidden agenda in the movement: supporting tax-paid vouchers for private religious schools.¹⁵ "It's going to be an easy move from this to vouchers, because the schools won't be able to comply with all the requests for designer curriculum," Isaacs says.

But backers of parental rights dismiss warnings of dire consequences or nefarious motives, saying groups like the NEA are trying to protect their power base and advance an ultra-liberal agenda.

"There's nothing in this legislation," Grassley says of his bill, "that's going to change traditional control of education."

Adds Largent, "There is no coalition of moms and dads that has [a lobbying] office on K Street in Washington. The principal opponent to this bill is the education bureaucracy. It's

understandable why. This is threatening their power because we're saying, 'Let's empower parents to become partners in education decisions.'"

Of the People founder Bell says the NEA and other parental rights foes "believe parents aren't competent to raise their child, but they don't talk about that." Instead, he says, they claim parental rights laws will lead to increased child abuse, designer curricula, even a ban of Shakespeare's *Romeo and Juliet*, which contains references to teen love and suicide, and *Macbeth*, with its themes of witchcraft and murder.

Such fears are off base, Bell told the Christian Coalition forum. Besides, he said, "I thought the school system had been doing a pretty good job already of taking Shakespeare out of [education]."

Would children be at greater risk for abuse and neglect from proposed parental rights laws?

Marilyn Van Derbur, Miss America in 1958, has said she was sexually abused by her father. Now she sees a similar threat to a new generation of youngsters — from the proposed federal parental-rights bill.

"Do not make it more difficult than it already is for child-protection services" to investigate abuse, she urged a House Judiciary subcommittee hearing last year.¹⁶

It's a plea being repeated by a battalion of child-welfare organizations, from the National Child Abuse Coalition to the National Safe Kids Campaign, chaired by former Surgeon General C. Everett Koop. They argue the measure would dismantle health and safety protections that courts, legislatures and other public bodies have carefully constructed over the decades. (*See "At Issue," p. 953.*)

"Proponents [of parental rights legislation] cite instances of children being summarily removed from the care of protective parents," says the Chicago-based American Professional Society on the Abuse of Children. "Cer-

Sex Education Fires Controversy . . .

In the battle over parental rights, no issue is more incendiary than sex education.

Conservative advocates of stronger parental rights believe public schools have gone too far in efforts to teach youngsters about the hazards of teen pregnancy, sexually transmitted disease and the availability and use of contraceptives. “Government officials have no right to form moral beliefs in children that contradict the beliefs of parents,” declares the Heritage Foundation. Under parental rights laws, the group says, school officials would either refrain from teaching about issues like contraception and abortion, or parents would have the “clear right to opt out from the official imposition of ‘values’ hostile to their beliefs.”¹

But foes of new parental rights guarantees, such as proposed federal legislation, say too many parents are ignoring the harsh realities of life in the late 20th century. Competent sex education and confidential sex-related health services are among the most effective ways of stemming teen pregnancy rates and the spread of AIDS and other sexually transmitted diseases among young people, they argue.

“When I look at what this legislation is about,” says Gloria Feldt, president of Planned Parenthood Federation of America, “it really seems to me an attempt to play on the fear parents have of being out of control of their kids. That’s not an altogether unfounded fear, but not one that can really be solved by legislation of this nature.”

Clearly, sexual mores and differing notions about sex education are driving forces of the parental rights movement. It was former New York City school chief Joseph A.

Fernandez’s ill-fated program to distribute condoms in the schools that helped launch the parental rights movement — and led to his firing in 1993. And cases such as *Brown v. Hot, Sexy and Safer Productions Inc.* — in which parents protested the sexual explicitness of an AIDS awareness assembly presented to Massachusetts high school students — gave the movement important momentum.

“It is not bad for a loving mother — whether secular or religious — to tell her 13-year-old daughter that she will not take her to a doctor for birth control pills,” wrote Rep. Steve Largent, R-Okla. “It is bad to let an immature child or an uninformed government official veto a good parent’s best judgment.”²

Under parental rights bills proposed in Congress last year by Largent and Sen. Charles E. Grassley, R-Iowa, parents could oppose “government officials handing out condoms and prescribing contraceptives for their children,” just as “religious parents” can object now under the Religious Freedom Restoration Act (RFRA), Largent wrote.³ (*See story, p. 942.*)

“Under the Parental Rights and Responsibilities Act, laws which interfere with the rights of secular parents would be evaluated under the compelling interest standard,” Largent wrote. “A law permitting all 13-year-old girls to consent to birth control pills would likely fail this test. It would unnecessarily interfere with the rights of responsible parents to make health-care decisions for their children.”⁴

Grassley, Largent and other supporters of parental rights say that the Supreme Court has clearly classified parental rights as “fundamental,” thus giving them the same strict

tainly, mistakes of overintervention occur.” But “American children are killed and maimed every day by parents who have not been adequately restrained by the state.”¹⁷

Opponents of parental rights laws are especially worried that health and abuse agencies would hesitate to report or treat cases for fear of being sued. Even if the government eventually could prove a compelling interest in a case and that its actions were the least restrictive, time-consuming legal proceedings could intensify the risk to the child, opponents argue.

“Communities would be virtually paralyzed in the child protection services they provide, including vital counseling services to troubled or despondent youth,” the American

Humane Association said.¹⁸

The Safe Kids campaign, in a June 4 letter to Sen. Orrin G. Hatch, R-Utah, chairman of the Judiciary Committee, said the federal bill would let parents sue “over virtually any public rule or law that affects children” — including bike helmet, smoke detector, child-safety seat and seat-belt laws.

The Academy of Pediatrics also noted the bill’s corporal punishment provision. “It forces courts to decide whether child abuse applies and opens a wedge to challenge and relitigate issues of child maltreatment in a separate cause of action apart from the original case,” the group said in a March statement.

In the Colorado amendment, there is no explicit exemption for abuse. Advocates say “discipline” is defined

by existing state law. The amendment’s broad language bothers Hudson of People for the American Way. “It will be a lawyer’s field day to argue what those terms like discipline, values and education mean,” he says.

“No parent has a right to abuse a child,” the Heritage Foundation responds. “The truth is that this [federal] bill would reinforce the right of states to protect children from abuse.”¹⁹

“This [bill] does not alter, amend or change any current child-protective service’s ability to remove a child from a home” or report abuse or neglect, Largent says. Criticism from child-welfare advocates “is really a red-herring argument against parental rights.”

Of the People’s Erken echoes the point in reference to the Colorado

... Over Teaching 'Hostile' Values

level of judicial protection as free speech and racial equality. But, they say, school boards, teachers and professional "elites," to name a few, have ignored the court's intentions and assaulted parental authority.

Yet critics of the parental rights movement say curbs on education or availability of professional help could have devastating consequences. "Adolescents seeking family planning services, screening and treatment for sexually transmitted diseases, and prenatal care might have no other alternatives to school and public clinics," the American Public Health Association said. The proposed federal Parental Rights and Responsibilities Act "could result in poor health outcomes for adolescents including unintended pregnancy, sterility, HIV infection and unhealthy pregnancies."⁵

The Alan Guttmacher Institute, a reproductive-health policy organization in New York City, noted recently that many states have laws authorizing minors to consent to health care related to sexual activity. The group said, for example, that 23 states and the District of Columbia have laws authorizing minors to give consent for contraceptive services. Twenty-seven states and the District allow pregnant minors to obtain prenatal care and delivery services without parental consent or notification, and 49 states plus the District allow minors to consent to the diagnosis and treatment of sexually transmitted disease.⁶

Referring to Largent's parental rights legislation, the institute said, "Although the proposal seems eminently reasonable at first glance, in practice it would override longstanding efforts by both the states and Congress to reconcile the right of

parents to guide and protect their minor children and minors' need and desire for confidentiality in certain situations."⁷

But the Family Research Council says the legislation is needed more than ever today because of changing policies in schools regarding sex education. "Public schools are . . . increasingly adopting policies whereby an entire class is subjected to mandatory psychological testing or explicit sex education [that] contradicts the values taught at home. Psychological testing of children is often performed under the guise of standardized tests which include intrusive questions about the child's emotional state and sexual experiences, the child's relationship with his or her parents, and values and habits within the home."⁸

¹Heritage Foundation, "How Congress Can Protect the Rights of Parents to Raise Their Children," *Issue Bulletin No. 227*, July 23, 1996, p. 26.

²Rep. Steve Largent, "Questions and Answers About the Parental Rights and Responsibilities Act, p. 23.

³*Ibid.*

⁴*Ibid.*

⁵"Parental Rights and Responsibilities Act Fact Sheet," American Public Health Association.

⁶"Lawmakers Grapple with Parents' Role in Teen Access to Reproductive Health Care," *Issues in Brief*, November 1995, published by Alan Guttmacher Institute.

⁷*Ibid.*

⁸Cathleen A. Cleaver and Greg Erken, "Who Decides How Children Are Raised?" *Family Policy*, August 1996, published by Family Research Council. Cleaver is the council's director of legal studies; Erken is executive director of Of the People.

measure. "The rude misunderstanding is that we are legislating an absolute right for parents," he says. "If that were the case, sure, then there would be gridlock in the schools, and government would be prevented from acting to protect the children's welfare. However, parental rights are not absolute."

Erken and Bell say legal precedents clearly establish that a parent can't abuse a child and then claim "parental rights."

Michael P. Farris, president of the Home School Legal Defense Association, says that while "real abuse is exempted wholesale" from the federal bill he helped to shape, what opponents don't like is that "parents have a federally recognized right to spank their children. [That's] not real abuse."

"There's a clear move in this coun-

try to outlaw spanking," Farris says. "We want to say that parents always have a clear recognition that they have a right to reasonable spanking. We don't want our prisons any fuller than they are. We don't want our kids doing drug abuse. We want kids to obey the law. My belief is that children who are disciplined are better citizens."

Of course, many cases of alleged child abuse or neglect fall into gray areas that could become arenas of increased controversy under a parental rights measure. Consider, for example, parents who withhold or alter medical treatment and child-welfare workers who disagree.

That scenario occurred late last summer in Dallas after doctors told the parents of 10-year-old Rachel Stout that she could die unless her ulcerated

colon was removed. The parents refused, child protective authorities stepped in and Rachel's father took her to Canada for treatment by a practitioner of holistic medicine. After a blood infection halted the alternative treatment, Rachel's parents consented in October to the surgery.²⁰

Other conflicts arise over government efforts to stem child abuse and neglect. The Heritage Foundation cites a set of 1995 guidelines in Durham, N.C., for judging the presence of child abuse. "Though most of these 'Minimum Standards of Care' make sense," the foundation says, "a number of them indicate a dangerous overreach by bureaucrats." For example, a parent could be investigated for child abuse for confining a child to his room or for

violating government standards “governing the supervision, nutrition, clothing, cleanliness and even the bedtime of children,” the foundation says.²¹

Durham County Social Services Director Daniel Hudgins dismisses the foundation’s characterization, noting the standards of care are guidelines and not regulations, and were developed by community representatives to help doctors, teachers and others better evaluate reports of potential abuse.

The idea was to help the community “screen out reports that didn’t meet any level of maltreatment or abuse,” Hudgins says. “Taken alone, none of those guidelines would result in any kind of action by the department against a parent. They were [developed] to improve the quality of what we do and reduce [government] intervention. As opposed to government coming up with standards, this was an attempt to involve the community.”

Would parental rights laws lead to an explosion in costly litigation?

Supporters see parental rights laws reducing litigation by encouraging parents to become more involved in school and other community decisions, thereby stemming conflicts before they explode into expensive legal battles.

“It’s going to end up in a lot less lawsuits,” Grassley claims. “It’s going to promote dialogue between educators and parents.”

Furthermore, Grassley says, the 90-day “administrative remedy” procedure that he added to his bill was designed expressly to settle disputes between parents and bureaucrats before they get to court.

Besides, Farris points out, parents have long been able to sue in state or federal court if they feel their rights have been violated. And since 1993, they have been able to sue under the Religious Freedom Restoration Act. On Oct. 15, the Supreme Court agreed to rule on the constitutionality of the far-reaching law, which makes government infringement

on religious practices more difficult.²² (See story, p. 942.)

“Where’s the avalanche of cases?” Farris asks.

Advocates also say that because those rights are not absolute — consider cases of abuse, for example — parents wouldn’t be assured of winning every case under a parental rights law.

Noting that the high court has delineated rights for school boards as well as parents, the Heritage Foundation says, “If parents raised ridiculous claims under [a federal bill], their cases would be thrown out of court. . . . Frivolous litigation would be costly for parents and of no benefit to them.”²³

Opponents of the parental rights movement find little comfort in such assurances. They contend parental rights laws would benefit lawyers because parents would be able to sue at the drop of a hat, and the government would have to clear exceedingly high legal hurdles to win. Moreover, says the Academy of Pediatrics, suits involving parental rights laws “would decimate the resources of a community [earmarked to] safeguard children and support families, and put more children at risk of abuse and neglect.”

“The bill allows parents to file an action in state or federal court, even if that parent is also arguing before another tribunal,” Quintana of the school boards association testified last December. “A school district would be forced to fight on both fronts, doubling the costs.” Not only that, Quintana said, the federal bill would award attorney’s fees to the victor — discouraging mediation or mutual agreement.²⁴

Isaacs of People for the American Way calls the 90-day administrative remedy in Grassley’s bill “a joke,” saying it is a pressure tactic rather than a means of conflict resolution. “Say [I’m a parent who claims] teaching evolution interferes with my right to raise my child as I see fit,” she says. “So the administrative remedy kicks in. It means the school must stop teaching evolution to everybody during the period — or does

it mean only my kid would be taken out of that class? It’s completely unclear — it has to be litigated,” she says. Or, she says, a parent could simply wait 90 days and then sue.

The NEA estimates the cost in the billions just to hire more teachers to meet the demands of the federal bill. “An enormous, unfunded federal mandate,” the teachers’ union called the Grassley-Largent proposal. “Depending on how widely parents exercise this new fundamental right . . . the costs to school districts of providing such ‘designer’ curricula will be exorbitant. If, for example, [a parental rights act] forces school districts to hire just *one* extra teacher for each school, the annual cost will be . . . \$3,346,330,650.”²⁵

Parental rights advocates scoff at the NEA’s resistance to the movement, saying the big union is running scared from demands for accountability while trying desperately to protect its power base in the public school system.

Besides, Grassley says, the NEA’s unfunded-mandates argument doesn’t hold water. “They’ve got to be joking,” he says. “They opposed the unfunded mandates bill we got passed in 1995. They’re talking out of both sides of their mouth.” ■

BACKGROUND

A ‘Fundamental’ Right

The Founding Fathers didn’t mention parental rights in the Constitution and Bill of Rights, but their silence on the matter is not surprising.

In early America, children had few if any rights. There was little question of parents’ rights to freely direct their offspring.

Conservatives argue, nonetheless, that

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Chronology

1700s-1800s

Formation of the new nation's constitution sets the stage for battles over parental rights.

Dec. 15, 1791

The first 10 amendments to the Constitution take effect. They include the First Amendment, which guarantees religious freedom, and the 9th, which says listing of certain rights in the Constitution "shall not be construed to deny or disparage others retained by the people."

July 9, 1868

Ratification of the 14th Amendment, which says no state may deprive a person of "life, liberty, or property, without due process of law."

1900-1980

Parental rights become an issue in the courts and schools.

June 4, 1923

Supreme Court says a state law limiting the teaching of foreign languages in public schools violates the Constitution's "liberty" guarantee, which includes right "to marry, to establish a home and bring up children." (*Meyer v. Nebraska*).

June 1, 1925

Supreme Court says Oregon law requiring children to attend public school unreasonably interferes with parents' liberty to direct the education and upbringing of their children (*Pierce v. Society of Sisters*).

1960s

A ban on school prayer signals courts' increasing involvement in issues of values, religion and family life.

June 25, 1962

Supreme Court bars use of prayer written by New York state Board of Regents in public school classrooms (*Engel v. Vitale*).

May 15, 1967

Supreme Court expands juvenile rights (*In re Gault*).

1976

Supreme Court rejects Missouri law requiring parental consent for a minor to have an abortion (*Planned Parenthood of Central Missouri v. Danforth*).

1979

Supreme Court supports rights of parents to commit their children to mental institutions (*Parham v. J.R.*).

1980s

Courts and policy-making bodies enhance the rights of children, opening the door for a parental rights movement among conservatives.

Dec. 4, 1980

Washington state Supreme Court allows troubled teen to remain in alternative residential placement, saying interests of the state and child are sufficient to justify "relatively minor degree of intrusion" on parents' constitutional rights (*In re the Welfare of Sheila Marie Sumey*).

Nov. 20, 1989

U.N. Convention on the Rights of the Child unanimously approved by U.N. General Assembly.

1990s

Parental rights activists push for changes in Congress and the states.

1990

Supreme Court denies Native Americans unemployment compensation after they are fired for using the drug peyote in tribal religious rituals. The ruling leads to the Religious Freedom Restoration Act in 1993 (*Employment Division v. Smith*).

1992-1993

New York City diversity curriculum touches off grass-roots protest that helps inspire parental rights movement.

Dec. 30, 1993

New York appeals court finds New York City's condom distribution program unconstitutional without a parental opt-out provision (*Alfonso v. Fernandez*).

1993

Arlington, Va.-based Of the People begins promoting parental rights amendments to state constitutions.

May 17, 1995

Christian Coalition introduces its "Contract With the American Family," which calls for a parental rights act and rejection of the U.N. Convention on the Rights of the Child.

June 1995

Sen. Charles E. Grassley, R-Iowa, and Rep. Steve Largent, R-Okla., introduce parental rights bills.

Nov. 5, 1996

Ballot initiative for parental rights constitutional amendment set for vote in Colorado.

The Case of the Troubled Teenager

The Sheila Marie Sumey case offers a textbook example of how interpretations can vary in an emotional issue such as parental rights. Supporters of efforts to codify parental rights say the state of Washington trampled on the rights of Sheila Marie's parents. Opponents say the parents never lost their rights in the first place.

The basic facts are not in dispute: In 1978, Sheila Marie was a troubled 15-year-old. She flouted rules set by her parents, ran away from home and did not benefit from counseling. In June 1978, to prevent Sheila Marie from running away again, her mother called police and had her placed in a juvenile-care facility. The teenager later requested placement in an alternative residential facility; her request was granted, against the parents' wishes. The parents appealed, contending their parental rights had been violated.

In the indignant view of Rep. Steve Largent, R-Okla., who introduced parental rights legislation last year, "the Supreme Court of Washington ruled that it was not a violation of constitutional parents' rights to remove a child from the home because she objected to her parents' reasonable rules. The parents had grounded their eighth-grade daughter because she wanted to smoke marijuana and sleep with her boyfriend. The Supreme Court found that it was reasonably within the lower court's jurisdiction to remove the girl from her family home. No strict standards were applied. The parents' rights were completely terminated for simply grounding their daughter to stop her from using illegal drugs and engaging in illicit activity!"¹

Michael P. Farris, president of the Home School Legal Defense Association, calls the ruling "perhaps the most infamous decision in the history of American parental rights." When the parents had trouble getting their daughter to obey their rules, they asked the state for help, he said in congressional testimony last year. "Rather than telling this girl she was required to follow her parents' instructions," Farris said, "the state of

Washington took this girl from her parents."²

Foes of parental rights laws say that a close reading of the Washington Supreme Court opinion indicates Sheila Marie's parents' rights were never terminated. "That's totally false," says Rebecca Isaacs of People for the American Way. "The parents' rights were not terminated. It couldn't be more explicit."

Critics also note that the court granted the teenager's request to live in the second juvenile facility, where the parents had visiting rights, as a last resort, in view of the severely strained relations between the teenager and her parents. The foes also point out that it was not until Sheila Marie was permitted to be moved to the second facility that the parents sued, claiming violation of their constitutional rights.

While the state's Supreme Court did not find the parents unfit, it held in December 1980 that the "interests of [the] state and child supporting the alternative residential placement procedure were sufficient to justify [a] relatively minor degree of intrusion upon [the] parents' constitutional rights to [the] care, custody and companionship of the child."

As things turned out, parental rights activists say, Sheila Marie years later came to agree with her parents.

After the courts and welfare agency backed the girl, her "teenage and early adult years were extraordinarily troubled," the Heritage Foundation wrote in a passage critical of the court's decision. "Now an adult and mother herself, she sees the wisdom of her parents' approach and says that she wishes the local and state authorities had backed them instead of her."³

¹Rep. Steve Largent, "Why Do We Need the Parental Rights and Responsibilities Act?" position paper. The case is *In re the Welfare of Sheila Marie Sumey*.

²Testimony before Senate Judiciary Subcommittee on Administrative Oversight and the Courts, Dec. 5, 1995.

³Patrick F. Fagan and Wade F. Horn, "How Congress Can Protect the Rights of Parents to Raise Their Children," *Heritage Foundation Issue Bulletin No. 277*, July 23, 1996.

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the Ninth and 14th amendments to the Constitution leave no doubt that parental rights are on a par with freedom of speech, press and religion.

The Ninth Amendment, as interpreted by parental rights backers, means that a right doesn't have to be explicitly mentioned in the Constitution to merit judicial protection.

"This constitutional presumption in favor of the traditional rights of citizens was recognized and in place at the time of the adoption of the Bill of Rights," Farris wrote. "Parental rights

have long been recognized as 'implicit in the concept of ordered liberty.'"²⁶

Indeed, many conservatives reach back to English legal theorist Sir William Blackstone, who wrote in 1769 that parental power includes the "restraint and correction" of children. His ideas helped shape those of the Founders and live on today.

Key Cases From the 1920s

Besides the Ninth Amendment, movement backers rest their argument on the 14th Amendment's Due Process clause and its protection of "life, liberty, or prop-

erty." The clause figures prominently in a number of cases cited by conservative activists, most notably a pair of decisions from the 1920s that are the legal pillars of today's parental rights movement.

In *Meyer v. Nebraska*, the Supreme Court in 1923 struck down a state law banning the teaching of foreign languages to elementary school pupils. Writing for the majority, Associate Justice James Clark McReynolds cited the Due Process guarantee of liberty, which includes, he wrote, the right of the individual "to marry, to establish a home and bring up children."

According to Rep. Largent, the court invalidated the foreign language ban because it “did not ‘promote’ education but rather ‘arbitrarily and unreasonably’ interfered with ‘the natural duty of the parent to give his children education suitable to their station in life.’ The court chastened the legislature for attempting ‘materially to interfere . . . with the power of parents to control the education of their own.’”²⁷

Two years later, in *Pierce v. Society of Sisters*, the court struck down an Oregon statute that required parents to send children ages 8-16 to public schools. Again citing the Due Process clause, McReynolds wrote that Oregon’s initiative undermined the right of parents and guardians “to direct the education and upbringing of their children” — language adopted verbatim by today’s parental rights advocates.

“The child is not the mere creature of the state; those who nurture him and direct his destiny have the right and high duty to recognize and prepare him for additional obligations,” the court also said.

Though critics say the court never described parental rights as “fundamental” in the *Meyer* or *Pierce* decisions, advocates say the two cases — taken with other high court rulings in ensuing decades — clearly establish the constitutional supremacy of parents’ rights.

Opponents view the *Meyer* and *Pierce* legacies quite differently than parental rights activists, arguing that the Supreme Court has never deemed parental rights “fundamental.” And they say that courts traditionally have sought to balance parental rights with those of children and to allow the state to step in to protect children when a situation warrants it.

“The lower courts have not misconstrued the law, because the U.S. Supreme Court has *never* recognized parental rights as fundamental,” The National PTA argues. “The lower courts have simply followed suit by refusing to apply a ‘compelling state interest’ test to parental rights claims.”²⁸

Isaacs of People for the American Way says conservatives are reading way too much into *Meyer* and *Pierce*. The court took “very specific [and] limited fact situations and . . . ruled against certain kinds of legislation as an infringement on parents rights,” she says.

But, she emphasizes, the court’s decisions were “not some wholesale, across-the-board” characterization of parental rights as fundamental, as many conservatives argue. “That view is a fantasy,” she says.

U.N. Treaty

Conservatives are troubled by another legal issue: the United Nations Convention on the Rights of the Child, which President Clinton signed in 1995 and now awaits Senate action. The convention’s 54 articles, which lay out a comprehensive charter of civil, social and economic rights for children, left conservatives worried about how the treaty would affect U.S. laws on abortion, capital punishment and other sensitive issues.

The treaty, already ratified by more than 175 nations, “would virtually undermine parents’ rights as we know them in the United States,” the Christian Coalition said in its Contract With the American Family. “Parents no longer would have the basic right to control what their children watch on television, whom they associate with and what church they attend.”

The Heritage Foundation calls the treaty “incompatible with traditional Western conceptions of the liberty of parents and with the U.S. Supreme Court’s settled view of parental rights as ‘beyond debate.’ Worse, the state is the only other entity whose rights are made clearly superior to the domestic life of the family as an institution.”²⁹

John C. Green, director of the Ray C. Bliss Institute of Applied Politics at the University of Akron and an expert

on the Christian Right, says conservatives are hostile to the treaty partly because it contains “liberal values and liberal code words,” such as “village.” The word upset the Christian Right when first lady Hillary Rodham Clinton used it to describe community influence on family formation in her best-selling book *It Takes A Village*.

In addition, Green says Christian conservatives are “very suspicious of things international,” such as talk of a “new world order,” because their eschatological views — their ideas about the end of the world and the process of salvation — emphasize the threat of an Antichrist and a final battle between the forces of good and the evil rulers of the world. With the U.N. treaty, “You’re reducing parental authority along with national sovereignty,” Green says. “It’s a double whammy.”

The Rev. Jay Lintner, a policy official in Washington for the United Church of Christ, a liberal Protestant denomination, says those who back parental rights measures are trying to “absolutize the rights of parents” and give “no weight to the rights of the community or the rights of children.”

Lintner calls the movement “a thinly disguised attack on the public school system,” and adds: “While the radical Christian Right who is pushing this bill says parents’ rights are not absolute, in fact, the way this is written would make it extremely difficult for many child welfare agencies to protect children.” ■

CURRENT SITUATION

An Ironic Approach?

The parental rights movement may seem, at first glance, like it emerged

from nowhere to take the ideological stage in America. But observers say it is of a piece with many other conservative and religious causes of the recent and distant past.

“Seeking to protect rights in law or in constitutions is a very American thing, and something that conservatives have always identified with,” says Green at the University of Akron. “So in that sense, people are pushing these parental rights laws out of a conservative tradition that is many centuries old.”

Still, Green and others see an incongruity in conservative advocates of limited government seeking a legal remedy that involves federal authority in local issues. “There’s a powerful irony” in going to higher levels of government to deal with local affairs, says Green.

That’s not the only unusual aspect of the parental rights movement, Green says. While seeking full “rights” for all Americans has traditionally been the province of liberals — rights for gays and people with disabilities, for example — conservatives have, in recent years, taken the same approach.

“The Christian Right has adopted the [approach] of liberalism,” Green says, noting, for example, the quest for tax-funded vouchers for private school tuition. “That to me is just powerfully ironic.”

Some politicians see an irony, too. Rep. Barney Frank, D-Mass., called the federal bill “the most direct assertion of federal superiority over the states I have ever seen.”³⁰

And David Blankenhorn, president of the Institute for American Values and an adviser to Of the People, has conceded being troubled by “the notion that we’re to solve our problem by creating more rights,” though he has endorsed the parental rights push.³¹

But proponents say they are not seeking a top-down solution to local issues. Grassley says he has sought a “floor, not a ceiling” for parental rights, with plenty of room left for states and localities to set higher boundaries.³²

“The PRRA does not manufacture a

single new federal program or create a need for new bureaucrats at any level of government,” Largent wrote.³³ “Rather, it simply establishes the legal standard to be employed in judging cases where the right of parents comes in conflict with the decisions or policies of government officials.”

“This is not a big-government issue,” Farris argues. “It’s about limiting the power of all governments.”

Battles in the States

Limiting the power of government is indeed the key objective in Colorado and many other states where conservatives are fighting for stronger parental rights guarantees. In Colorado, advocates tried unsuccessfully to attach parental rights wording to the Colorado children’s code.

Backers of the constitutional amendment drive subsequently gathered more than 83,000 signatures to put the measure on the ballot. As of late September, proponents had raised nearly \$150,000 (including about \$137,000 from Of the People). The opposing Protect Our Children Coalition had collected almost \$65,000.³⁴

Democratic Colorado Gov. Roy Romer has blasted the amendment, saying it is “absolutely unnecessary” because parents already can control the upbringing of their children. “It is a constitutional amendment proposed by a group on the far right of our culture,” he told reporters. “I think its intent is to have the government have its hands off children almost totally, and I worry about this heavy-handed, generalized use in the constitution.”³⁵

In other states, meanwhile, the battle to pass amendments is just beginning. “We expect the momentum to continue” regardless of what happens in Colorado, says Of the People’s Erken.

Already, a number of state Repub-

lican platforms reflect parental rights language, and in August such wording was inserted into the Republican national platform.

“Fourteen of the 22 [state] platforms reviewed by People for the American Way included so-called ‘parental rights’ language,” the group said in August.³⁶

There is other evidence of the movement’s growth. In Kansas this year, the legislature passed legislation making it the “public policy” of the state “that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children” and “that children shall have the right to protection from abuse and neglect.”

And Of the People said in late May that constitutional amendment proposals had found legislative sponsors in 28 states, including California, Florida, New York and Texas. Yet few of those measures have seen floor action, and even conservative supporters of parental rights have balked in some states at the notion of changing constitutional language.

Both Erken and Bell cite Michigan as fertile ground for the parental rights movement, and there’s little wonder why. Parental rights language has already been added to Michigan’s school code; the state has a conservative Republican governor, John Engler; and Elisabeth “Betsy” DeVos, Of the People’s national co-chairman, chairs the Michigan Republican Party, serves as a Republican national committee-woman and is married to Dick DeVos, chief executive officer of the Amway Corp., a generous backer of conservative causes.

Yet the sponsor of Michigan’s proposed parental rights amendment, state Sen. Joanne Emmons, R-Big Rapids, has shifted strategies. She says “concerns by friends on my side” caused her to “back off” and first pursue a legislative rather than a constitutional approach. Among other things, she says, there was the worry that the amendment “might be used in ways we

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At Issue:

Would the Parental Rights and Responsibilities Act undercut established legal protections for children?

AMERICAN CIVIL LIBERTIES UNION

FROM A LETTER TO THEN SENATE MAJORITY LEADER BOB DOLE, JAN. 25, 1996.

as an organization that has consistently defended family integrity against unwarranted government intrusion, we are painfully aware of the need for vigilance in this sensitive area. However, although we agree with one of the major premises of this legislation — that the vital role that parents play in the raising of their children is of critical importance and must be respected — we have seen no evidence warranting this broadly written federal statute that undermines longstanding protections for children.

This legislation [would forbid] federal, state and local governments and their officials from “interfer[ing] with or usurp[ing] the right of a parent to direct the upbringing of the child of the parent.” Parents would be able to assert this right in lawsuits in either federal or state courts. . . . A government or official may only prevail in such a suit by proving that the government actions were “essential to accomplish a compelling governmental interest,” which is an extraordinarily high standard of proof.

This legislation will make it especially difficult for the government to assist children in situations in which their health is endangered because of their parents’ actions or inaction. It prohibits a government official or agency from becoming involved in health-care decisions, no matter how injurious the parent’s actions may be to the child, unless the very strict “compelling government interest” test is met. . . .

This bill could make it impossible for education professionals to design and implement public school curricula. [It] permits any parent of a public school student to file a lawsuit challenging almost any aspect of the school’s curriculum or extracurricular activities. . . .

This bill will reduce protections for children who are physically disciplined by their parents. . . . The language explicitly condoning a parent’s right to physically discipline a child is, to our knowledge, without precedent in federal law. . . .

This bill could put children who are victims or potential victims of child abuse and neglect at great risk. Currently child abuse and neglect cases are handled almost exclusively by our state courts. This bill, however, creates a two-tiered system where parents may ask a federal judge to second-guess the decision of a child welfare agency official in a lawsuit alleging that the agency’s action “interferes” with the parents’ rights.

This dual track will create unnecessary lawsuits, and will create expensive litigation costs for child welfare agencies forced to defend their actions in federal court. The existence of this new cause of action will also have a chilling effect on child protective service workers and government officials.

CATHLEEN A. CLEAVER, DIRECTOR OF LEGAL STUDIES,
FAMILY RESEARCH COUNCIL, GREG D. ERKEN, EXECUTIVE
DIRECTOR, OF THE PEOPLE

FROM “PARENTAL RIGHTS: WHO DECIDES HOW CHILDREN ARE RAISED?” *FAMILY POLICY*, AUGUST 1996.

Critics of both the federal parental rights bill and the state constitutional amendments typically claim that parental rights laws would make it tougher for the state to protect children from abuse and would give one parent the right to dictate school curriculum for everyone else’s child, leading to education gridlock.

These and most other criticisms are grounded in the mistaken notion that these proposals would provide an absolute right for parents, which would override any state interest in the welfare and education of children. But . . . the well-established limits to parental rights under this doctrine would continue to apply.

For example, in *Prince v. Massachusetts* (1944), the high court made it clear that “neither the right of religion nor the rights of parents are beyond limitation.” *Prince* identified numerous areas in which the state may set limits on parental rights, such as compulsory school attendance, mandatory vaccination policies and child labor laws. And in *Runyon v. McCrary* (1976), the Supreme Court held that parents “have no constitutional right to provide their children with education unfettered by reasonable government regulation.” All constitutional rights have their limits, and parental rights are no exception.

The clash over parental rights proposals begs the fundamental question: Who decides what’s in the best interests of children? Parents? Or the government? Are ordinary parents generally competent to raise their children or should parents defer to elite authorities backed by state power? . . .

If successful, the parental rights movement will provide parents with greater legal standing to ensure that government respects their rights through its policies, and when necessary, in the courts. But beyond this immediate, practical benefit, a national debate on parental rights also has great potential to foster more parental responsibility.

The key to encouraging greater parental responsibility is to explicitly recognize the link between rights and duties upon which this nation was founded, and to renew our optimism in the ability of the people to manage their own affairs, as citizens and as parents. Indeed, [as G.K. Chesterton observed in *Orthodoxy*], “the most terribly important things must be left to ordinary men themselves,” including the right of parents to protect their children from harmful influences and to direct their children’s upbringing. Recognizing the irreplaceable role of parents is essential to keeping the power of the state in check, revitalizing citizenship and ensuring that children receive the love, protection and guidance only a parent can provide.

FOR MORE INFORMATION

American Center for Law and Justice, 1000 Regent University Drive, Virginia Beach, Va. 23467; (804) 579-2489. Founded in 1990, ACLJ is dedicated to the promotion of pro-liberty, pro-life and pro-family causes. It engages in litigation, provides legal services and supports attorneys who are involved in defending religious and civil liberties.

Focus on the Family, 8605 Explorer Dr., Colorado Springs, Colo. 80920; (719) 531-3336. Founded in 1977, the nonprofit Christian organization works to preserve traditional values and the institution of the family.

National Child Abuse Coalition, 733 15th St. N.W. Suite 938, Washington, D.C. 20005; (202) 347-3666. The coalition contends that amendments and legislation aimed at codifying parental rights would put children at risk of abuse from abusive parents.

National Education Association, 1201 16th St. N.W. Washington, D.C. 20036-3290; (202) 822-7230. The NEA is the largest teachers' union and views laws designed to bolster parents' rights as potentially detrimental to school quality.

National School Boards Association, 1680 Duke St., Alexandria, Va. 22314-3493; (703) 838-6225. This federation of school board associations is interested in such issues as local governance and quality of education programs.

Of the People, 2111 Wilson Blvd., Suite 700, Arlington, Va. 22201; (703) 351-5051. Founded in 1993, this organization is a leader of the movement pushing state constitutional amendments on parental rights.

People for the American Way, 2000 M St., N.W., Suite 400, Washington, D.C. 20036; (202) 467-4999. This nonpartisan organization promotes protection of First Amendment rights. It is leading a coalition of groups opposed to parental rights laws.

Traditional Values Coalition, 139 C St. S.E., Washington, D.C. 20003; (202) 547-8570. The coalition is a legislative interest group that supports conservative Judeo-Christian values.

Continued from p. 952

could not anticipate by a judge, and then you have no legislative redress.”

A constitutional amendment would be harder to fix if problems arose, Emmons acknowledges. “Once it goes into the constitution, it will have to have another vote of the people to change it.”

In Illinois, state Sen. Patrick O'Malley, R-Palos Park, cosponsored a parental rights amendment with Rep. Al Salvi, now a Republican candidate for the U.S. Senate. “The intrusion of government into our personal lives is stifling our individual freedom and discouraging personal responsibility,” O'Malley declared in April. “With this amendment, we reassert the importance of parental authority and responsibility as a means of balancing paren-

tal rights with other interests competing for the control of family life.”³⁷

O'Malley's proposed measure passed the Executive Committee of the Republican-controlled Senate, but it did not make it onto the Illinois ballot this fall. “The groups most interested in its passage felt on balance they needed to do more public education,” O'Malley says. “We intend to go back at it in [January] and get it on the ballot at the next available date.”

In Virginia, whose conservative leanings make it another bellwether in the parental rights movement, Republican Gov. George F. Allen supported an amendment that passed the Senate Privileges and Elections Committee 8-2 last February and moved to the Senate floor. But Democratic Lt. Gov. Donald S. Beyer

Jr. voted against the bill, kicking the proposal back to committee.

Such setbacks don't seem to discourage the movement's chief backers. “The parental revolt a year from now is going to be much bigger than it is today,” a confident Bell predicted at the Christian Coalition's September conference. ■

OUTLOOK

‘Building Momentum’

Former pro football receiver Largent uses a sports metaphor to analyze the future of the parental rights movement. “This is a marathon,” he says. “It's not a 100-yard dash.”

That marathon won't be an easy one for parental rights backers to win in Congress, beginning with the November elections. Largent is up for reelection this year, and the loss of the Republican majority in either chamber could cripple the conservative parental rights cause.

Indeed, support for the measures falls largely along partisan lines. Of the 140 sponsors of Largent's bill, for example, all but about a dozen were Republicans. Largent concedes that if Republicans lose the House, his bill “will go nowhere.” Nonetheless, Largent plans to reintroduce the measure in the 105th Congress, even if Republicans lose control of Congress in November.

Grassley seems less definite. “I would like to reintroduce” the bill in the next Congress, he says, “and at the same time I would like to garner more bipartisan support for the initiative in the Senate. Right now, our job is to continue building grass-roots support and educating the public about the goal of the legislation, in the face of disinformation from special interests in Washington, D.C.”

Grassley's bill faced tough opposi-

tion from Democrats. The Senate Subcommittee on Administrative Oversight and the Courts, chaired by Grassley, voted in April to send the bill to the full Judiciary Committee after it had been through significant revision, including addition of the 90-day administrative process clause.

But heavy resistance came from Sen. Howell Heflin, D-Ala., a former school board president and ranking Democrat on the subcommittee. The bill, he said, "is premised on a false idea: that the rights of parents are being vastly undermined across the country." The measure would "open the floodgates of litigation," Heflin added, and "could impose chaos in matters relating to curriculum content, textbook selection, dress codes and home schooling, just to name a few."³⁸

As for Largent's bill, which died in a House Judiciary subcommittee, legislative aide Paul Webster says subcommittee Chairman Charles T. Canady, R-Fla., had concerns about use of the legislation by a liberal judge. "I think his primary concern [was] that some federal court judge could begin decreeing all manner of family law that's not consistent" with the bill, Webster says. "[He] has a real concern that a very liberal federal judge could just say [children's] reproductive rights are outside the fundamental rights of parents [to oversee] and . . . in one judicial act" gut a significant portion of the bill's intent.

Of the People Chairman Bell said at the Christian Coalition meeting that Canady had bottled up the bill because he thought parental rights should be a state rather than federal issue. (Canady's press aide did not respond to phone calls.)

Even if parental rights legislation were to reach the marathon finish line, backers expect that it would be tripped at the end by a presidential veto, assuming Bill Clinton remains in the White House.

Still, Grassley is sanguine about the long-term prospects. "We're in the first

step of promoting an important national debate," he says. "Our job is to continue building momentum."

Adds Sheldon of the Traditional Values Coalition: "Just because you introduce a bill doesn't mean you expect it to become law that year," she says. "A public-policy debate — that's what we want." ■

Thomas J. Billitteri is a freelance writer in the Washington, D.C., area.

Notes

¹ Quoted in *The Rocky Mountain News*, Sept. 22, 1996.

² Quoted in *The Denver Post*, Sept. 22, 1996.

³ See "Parents Rights Amendment Foils Colorado Senate Race," *The Washington Post*, Oct. 20, 1996, p. A1. For background, see "Children's Legal Rights," *The CQ Researcher*, April 23, 1993, pp. 337-360.

⁴ For background, see "Parents and Schools," *The CQ Researcher*, Jan. 20, 1995, pp. 49-72.

⁵ Dobson's remarks were made during a discussion of parental rights on his syndicated show, "Focus on the Family Radio Hour," June 17-18, 1996.

⁶ Letter to U.S. senators from Dr. Maurice E. Keenan, president of the American Academy of Pediatrics, March 19, 1996.

⁷ Testimony before Senate Judiciary Subcommittee on Administrative Oversight and the Courts, Dec. 5, 1995.

⁸ The poll of 482 voters was taken in conjunction with the Scripps-Howard News Service.

⁹ See "The Parent Trap: Relying on Bogus Horror Stories And Mega-Bucks Backing, The 'Parental Rights' Movement Is Luring Americans Into An Attack On Public Schools And Church-State Separation," *Church & State*, June 1996, published by Americans United for Separation of Church and State.

¹⁰ "Commentary on Protections Which Should Be Afforded Parental Rights and Responsibilities," position paper, The American Center for Law and Justice, undated, p. 10.

¹¹ From "Oppose H.R. 1946/S. 984: The 'Parental Rights And Responsibilities Act,'" People for the American Way, September 1996.

¹² "Statement of the National Education Association Regarding The Parental Rights and Responsibilities Act," February 1996, p. 2.

¹³ For background, see "Home Schooling," *The CQ Researcher*, Sept. 9, 1994, pp. 769-792.

¹⁴ Quoted in "Parental-Rights Advocates Push for Constitutional Amendment," *Insight on the News*, Sept. 9, 1996, p. 40.

¹⁵ For background, see "School Choice," *The CQ Researcher*, May 10, 1991, pp. 253-276, and "Attack on Public Schools," *The CQ Researcher*, July 26, 1996, pp. 662-663.

¹⁶ Quoted in *The Washington Times*, Oct. 27, 1995.

¹⁷ Letter to U.S. senators, March 19, 1996.

¹⁸ Letter to U.S. senators from Adele Douglass, director, Washington office, American Humane Association, March 19, 1996.

¹⁹ Heritage Foundation, "How Congress Can Protect the Rights of Parents to Raise Their Children," *Issue Bulletin No. 227*, July 23, 1996, p. 23.

²⁰ For background, see *The New York Times*, Oct. 14, 1996.

²¹ Heritage Foundation, *op. cit.*, pp. 13-14.

²² See "High Court to Rule on Religion Law," *The Washington Post*, Oct. 16, 1996, p. A1.

²³ Heritage Foundation, *op. cit.*, p. 25.

²⁴ Testimony before Senate Judiciary Subcommittee on Administrative Oversight and the Courts, Dec. 5, 1995.

²⁵ National Education Association, *op. cit.*

²⁶ Michael P. Farris, "The Parental Rights and Responsibilities Act: Establishing a Standard of Liberty," National Center for Home Education Special Report, undated, p. 2.

²⁷ Steve Largent, "Questions and Answers About the Parental Rights and Responsibilities Act," undated, p. 1.

²⁸ "Oppose the Parental Rights and Responsibilities Act," position paper of The National PTA.

²⁹ Heritage Foundation, *op. cit.*, p. 19.

³⁰ Quoted in *The Washington Times*, Oct. 27, 1995.

³¹ Quoted in "Parental-Rights Advocates Push for Constitutional Amendment," *op. cit.*

³² Opening statement of Sen. Charles E. Grassley on the Parental Rights and Responsibilities Act of 1996, Senate Judiciary Subcommittee on Administrative Oversight and the Courts, April 17, 1996.

³³ Largent, *op. cit.*, p. 14.

³⁴ *The Denver Post*, Sept. 22, 1996.

³⁵ Quoted in *The Daily Camera*, Sept. 21, 1996.

³⁶ People for the American Way, "The Republicans and the Religious Right: A Study of 1996 State Republican Party Platforms," Aug. 2, 1996, p. 6.

³⁷ Press release, April 18, 1996.

³⁸ Quoted in *School Board News*, published by the National School Boards Association, April 30, 1996.

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Bates, Stephen, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms*, Poseidon Press, 1993.

Bates, formerly a senior fellow at the Annenberg Washington Program of Northwestern University, chronicles the case of Vicki Frost, a Tennessee mother who sued school officials after she found such themes as evolution, feminism and telepathy in her children's schoolbooks. The high-profile case, dubbed "Scopes II" by journalists, pitted two powerful advocacy groups against each other: Concerned Women for America and People for the American Way.

Christian Coalition, *Contract With the American Family*, 1995.

This book lays out the political priorities of one of the nation's most powerful conservative religious organizations, including enactment of a parental-rights measure and defeat of the U.N. Convention on the Rights of the Child.

Hawes, Joseph M., *The Children's Rights Movement: A History of Advocacy and Protection*, Twayne Publishers, 1991.

Hawes, a professor of history at Memphis State University, provides a well-organized overview of children's rights from the establishment of child aid societies in the 1800s and the creation of broader government programs in the early 20th century to the maturing of the children's rights movement beginning in the 1960s. The book includes a useful chronology and a nine-page bibliographic essay.

Nelkin, Dorothy, *The Creation Controversy: Science or Scripture in the Schools*, Beacon Press, 1982.

Nelkin, a Cornell University professor, provides a broad overview of the evolution vs. creationism controversy in American schools.

Samuels, Sarah E., and Mark D. Smith, eds., *Condoms in the Schools*, Kaiser Family Foundation, 1993.

The authors provide a useful overview of a key point of contention in the parental rights debate: making condoms available to public school students. The book includes a survey of condom programs, the views of school officials and discussions of funding and policy options and legal issues.

Articles

Applebome, Peter, "Array of Opponents Battle Over 'Parental Rights' Bills," *The New York Times*, May 1, 1996.

This front-page overview of the parental rights movement surveys the issues and quotes the chief spokesmen on either side of the debate.

Glanzer, Perry L., "Parental Rights and Public Education," *Focus on the Family*, July 1996.

Glanzer is an education policy analyst at Focus on the Family, a conservative Christian organization in Colorado Springs, Colo. This 29-page booklet surveys "current rights and threats" to parental rights in education and securing parental rights through legislative reform, among other issues.

Green, John C., James L. Guth, Lyman A. Kellstedt and Corwin E. Smidt, "Evangelical Realignment: The Political Power of the Christian Right," *Christian Century*, July 5-12, 1995.

Green, director of the Ray C. Bliss Institute of Applied Politics at the University of Akron, and his colleagues provide a wide-ranging and incisive look at the Christian Right's influence in the 1994 Republican triumph in Congress and at evangelical politics at the dawn of a new millennium.

Grunes, Rodney A., "Creationism, the Courts and the First Amendment," *Journal of Church and State*, fall 1989.

Grunes, associate professor of political science at Centenary College, examines the political and legal contexts of the creationism controversy and analyzes Louisiana's 1981 "Balanced Treatment" Act mandating that creationism be given equal time whenever evolution was taught in the public schools.

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O'Connor and Ivers, both of Emory University, give a useful history of the creationism controversy and address the impact of a series of "creationism-evolution" cases on the place of religion in the public schools.

Stepp, Laura Sessions, "Who's in Charge?: A Parents' Rights Movement Is Stirring Controversy," *The Washington Post*, July 15, 1996.

Reporter Stepp provides an overview of the emerging parental rights movement and quotes many of the principal players.

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People for the American Way, *The Republicans and the Religious Right: A Study of 1996 State Republican Party Platforms*, Aug. 2, 1996.

The liberal advocacy group analyzes Republican platforms and various issues, including parental rights, concluding that the "Christian Coalition is well on its way to its stated goal of taking over the Republican Party."

The Next Step

Additional information from UMI's Newspaper & Periodical Abstracts database

Colorado's Parental Rights Amendment

Brown, Fred, "2 ballot-issue petitions filed," *Denver Post*, Aug. 6, 1996, p. A1.

Petitions for two ballot issues — a parental rights amendment and another changing the mission of the state land board — were turned over to the Colorado secretary of state's office on Aug. 5, 1996, in time to meet the deadline for citizen initiatives.

"Clarify parental rights," *Denver Post*, April 4, 1996, p. B6.

An editorial discusses a bill in the Colorado Legislature that defines what acceptable corporal punishment is, thereby acknowledging parents' right to spank their kids. The editorial makes it clear that parents can't abuse their children, and criticizes an amendment that clouds the meaning.

Culver, Virginia, "Clergy group denounces parental rights proposal," *Denver Post*, Sept. 26, 1996, p. B2.

The Denver Area Interfaith Clergy Conference on Sept. 25, 1996, denounced Amendment 17, a parental rights amendment that will be on the state's November general election ballot.

Johnston, Michelle Dally, "Parental rights stirs a tempest," *Denver Post*, Sept. 22, 1996, p. A1.

The question at the heart of the parental rights amendment is just how absolute are parents' rights to impose their will on their children. The three-line initiative on the Nov. 5, 1996, ballot asks Colorado voters to add to the state Constitution "the inalienable right" of parents to "direct, and control the upbringing, education, values and discipline of their children."

Knight, Al, "Huge forces collide on parents rights," *Denver Post*, June 12, 1996, p. B11.

Knight examines the proposed parental rights amendment to the Colorado Constitution.

Lamm, Dottie, "Our children are not our property," *Denver Post*, April 14, 1996, p. E3.

Lamm criticizes a Colorado House bill and a proposed amendment to the Colorado Constitution that would make parental rights "inalienable."

Mallory, Jim, "Groups join to defeat controversial proposal," *Denver Post*, Sept. 22, 1996, p. A18.

More than a dozen organizations in the Colorado Springs, Colo., area, representing diverse interests, have joined forces to help defeat the controversial parental rights initiative on the Nov. 5, 1996, ballot. Colorado is the first state to vote on a constitutional amendment on parental rights.

Court Cases

Flynn, George, "Judge rules ex-convict father should retain parental rights," *Houston Chronicle*, Nov. 29, 1995, p. A34.

Texas District Judge Bill Henderson ruled that ex-convict Brendon Lamar Baker should retain parental rights over two boys, even though a jury had awarded custody to the adoptive couple who have raised the boys for two years.

McClea, James A., "Mom loses parental rights after child is offered for sale," *Detroit News*, Dec. 19, 1994, p. B5.

Pamela D. Williamson, the mother of a 2-year-old girl who was offered for sale at an Independence Township, Mich., supermarket, has been stripped of her parental rights to the child. Williamson, described in court testimony as an alcoholic, pleaded no contest to a misdemeanor charge of child neglect.

Shnay, Jerry, "Judge dismisses father's civil suit for parental rights," *Chicago Tribune*, May 15, 1996, p. 7.

The legal conflict over Joliet, Ill., resident Darrin Affrunti's rights as an unwed father shifted to Cook County on May 14, 1996, after a Will County judge dismissed a civil suit challenging a state custody law. Affrunti is seeking custody of his child born to a Lockport woman who has given the baby up for adoption.

"Supreme Court rejects review of parental rights law," *Times-Picayune*, June 6, 1995, p. B3.

Acting in a Jefferson Parish, La., case, the U.S. Supreme Court on June 5, 1995, let stand a ruling that makes it just as hard for Louisiana officials to temporarily suspend an allegedly abusive parent's right to custody as it is to permanently sever a parent-child relationship.

Wildermuth, John, "Woman lose parental rights," *San Francisco Chronicle*, April 28, 1995, p. A27.

Charlene Dineen, a homeless woman who abandoned her 10-month-old baby on a foggy turnout on Skyline Boulevard in Pacifica, Calif., pleaded guilty to child endangerment on April 27, 1995, and was sentenced to a year in jail. Dineen also lost her parental right to her two children.

Parental Rights Movement

Allen, Mike, "Conservatives lobby for parental rights," *The New York Times*, Jan. 15, 1996, p. A10.

Christian conservatives in legislatures across the country have begun promoting a parental rights amendment, which supporters claim would keep governments from interfering in how parents educate and discipline children. Critics say the amendment would give small groups of parents veto power over the curriculums of public schools, promote litigation against school boards and hinder child-abuse investigations.

Applebome, Peter, "An Array of Opponents Do Battle Over Parental Rights Legislation," *The New York Times*, May 1, 1996, p. A1.

Congress and state legislatures are becoming battlegrounds over politically charged parental rights bills, hailed by conservatives as ways to protect parents' ability to raise their children and criticized by many education and health organizations as threats to children's safety and schools' ability to function.

"Black dads are now fighting back for their parental rights," *Los Angeles Sentinel*, Jan. 12, 1995, p. A3.

My Child Says Daddy, a group for fathers seeking custody of their children or the right to spend more time with them, is featured. The experiences of founder Reginald Brass that led him to start the organization, which meets Mondays in Los Angeles, are described.

Cole, John R., "The new "parental rights" crusade," *Humanist*, March 1996, p. 41.

A new crusade for parental rights is under way, but critics fear the power that legislation protecting parental rights could have. The Christian Coalition is one of the organizations spearheading this campaign.

Lawton, Kim A., "The right to parent: Should it be fundamental?" *Christianity Today*, April 29, 1996, p. 57.

A national parents' movement for recognition of a "fundamental right" to raise children without government intrusion is rapidly growing. The battle is being fought in courts and legislatures.

Gonnerman, Jennifer, "Do parents need special protection?" *Ms.*, September 1996, pp. 14-18.

A new battlefield is appearing as parental rights, which Republicans are using to regain control of the U.S.' political agenda through parents' deep-seated dissatisfaction with the public education system. This new movement is discussed.

Owen, Kelly, "Parents' group seeks law for more say at children's schools," *Los Angeles Times*, Feb. 7, 1995, p. A5.

The Virginia-based organization Of the People is pushing for adoption of a parental rights amendment to state constitutions to give parents more say in their children's education and more control over what they are doing while in school. The issue of parental rights is examined.

Tyson, Ann Scott, "Parental-rights revolt takes root across U.S.," *The Christian Science Monitor*, July 30, 1996, p. 1.

Across America, parents are joining a backlash by conservative and Religious Right groups against what they view as widespread government infringements on parental rights. The push to empower parents has provoked strong opposition from child advocates and educators, who say it comes at the expense of children and schools. An accompanying map shows states that have taken up parental rights amendments.

Impact of Parents' Rights on Public Schools

Burron, Arnold, "Parents' rights — society's imperatives: A balancing act," *Educational Leadership*, April 1996, pp. 80-82.

By articulating and responding to the principles that underlie parent vs. school rights controversies, public school officials can reduce conflict and even arrive at a consensus on some issues.

Chiusano, Michael, "Parents' rights," *National Review*, Sept. 30, 1996, pp. 55-57.

Across the country, bizarre and intrusive programs are part of everyday business in public schools, a world virtually at war with the everyday values of parents, Chiusano writes. The issue of parents' rights in schooling is going to be important in the political battles to come, he says.

Lameiras, Maria M., "Parental rights act under fire," *Atlanta Constitution*, Sept. 25, 1996, p. XJ1.

Some members of the Gwinnett County, Ga., Interfaith Alliance ecumenical group that gathered Sept. 24, 1996, to discuss a parental rights act pending in both the state legislature and Congress said they fear it could destroy the public school system.

Simpson, Michael D., "Get off," *NEA Today*, March 1996, p. 22.

The Parental Rights and Responsibilities Act of 1995 would give every parent the right to force the public schools to provide their children with a "customized" education, Simpson writes. The purpose and possible effects of this bill are discussed.

Pros and Cons of Parental Rights Initiatives

Dority, Barbara, "Parental rights" at the expense of children," *Humanist*, September 1996, pp. 37-38.

Dority criticizes the Parental Rights and Responsibilities Act of 1995. She considers the legislation another Republican offering to the Christian Coalition. Of particular concern is the legislation's impact on education.

Erken, Greg D., and Jack C. Westman, "Question: Does the U.S. need a parental-rights amendment?" *Insight on the News*, May 15, 1995, pp. 18-21.

Erken argues that constitutional remedies would protect schoolchildren from social engineering. Westman counters that it is better to mandate parental competency before children come along.

Gahr, Evan, "Parental-rights advocates push for constitutional amendment," *Insight on the News*, Sept. 9, 1996, p. 40.

Hoping to reclaim child-rearing authority from school officials and government bureaucrats, parental rights advocates are lobbying for federal legislation and a constitutional amendment. The pros and cons of a Parental Rights and Responsibility Act are discussed.

Margolis, Lewis H., and Neil J. Salkind, "Parents as advocates for their children," *Journal for a Just & Caring Education*, April 1996, pp. 103-120.

Children need their parents to act as individual advocates, particularly given the lack of institutions to promote children's well-being. The different roles that parents can play as advocates are reviewed.

"Parental Rights and Wrongs," *The New York Times*, May 5, 1996, p. 12.

An editorial warns that bills being pushed in Congress and in many state legislatures that advocate "parental rights" would disrupt school boards and child welfare agencies with lawsuits. The editorial argues that disputes between parents and child welfare and school authorities are best resolved at the local level.

"Parents already have rights," *St. Louis Post-Dispatch*, Jan. 23, 1996, p. B10.

An editorial comments on the parental rights amendment, the latest family values initiative by the Christian Right that opens the door for legal attacks on controversial textbooks, sex education and the teaching of evolution.

Statement of Ownership Management, Circulation

Act of Aug. 12, 1970: Section 3685, Title 39, United States Code

Title of Publication: The CQ Researcher. Date of filing: October 21, 1996. Frequency of issue: Weekly (Except for 3/1, 5/31, 8/30, 11/29/96). No. of issues published annually: 48. Annual subscription price for libraries, businesses and government: \$319.00. Location of known office of publication: 1414 22nd Street, N.W., Washington, D.C. 20037-1097. Names and addresses of publisher, editor and managing editor: Publisher, Neil Skene, 1414 22nd Street, N.W., Washington, D.C. 20037-1097; Editor, Sandra Stencel, 1414 22nd Street, N.W., Washington, D.C. 20037-1097; Managing Editor, Thomas J. Colin, 1414 22nd Street, N.W., Washington, D.C. 20037-1097. Owner: Congressional Quarterly, 1414 22nd Street, N.W., Washington, D.C. 20037-1097. Known bondholders, mortgagees and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities: none.

Extent and Nature of Circulation	Average Number of Copies Each Issue During Preceding 12 months	Actual Number of Copies of Single Issue Published Nearest to Filing Date
A. Total number of copies printed (Net Press Run)	6,568	5,872
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2. Mail subscriptions	4,986	4,874
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