FROM: Phyllis Schlafly

68 FAIRMOUNT, ALTON, ILLINOIS 62002 / (618) 462-5415

RELEASE: JANUARY 8, 1982

## LAWSUIT STOPS MANDATORY SEX EDUCATION

Frances and Earl Frederick of Louisville, Kentucky, have provided a dramatic example of what parents can do to stop the sex stimulation courses that are invading classrooms across the country. They hired a lawyer, filed suit, and successfully asserted parents' rights as superior to any "right" of the schools to teach sexuality to children.

It all started two years ago when their 15- and 16-year-old sons brought home "sex education" textbooks from their "health" class. The Fredericks did what all parents should do; they actually read their children's textbooks. They discovered that they were full of promiscuity-promoting propaganda, including explicit information about contraceptives, abortion, and homosexuality as an alternate lifestyle.

First, the Fredericks tried to withdraw their boys from the class. The schools retaliated by failing them in the "health" course. The Kentucky State Board of Education had set the stage for this arrogance by announcing that sex education is "mandatory" throughout Kentucky public schools.

The Fredericks engaged a Louisville lawyer named Theodore H. Amshoff, Jr., who filed suit against the Jefferson County (Louisville) Board of Education, the Kentucky State Board of Education, the Kentucky Department of Education, and the superintendents, principals and teachers involved. The suit was designed to stop the defendants from trying "to coerce the children of Plaintiff parents to participate in courses of instruction to which both parents and children are conscientiously opposed and which violate the religious convictions of parents and children, and to penalize said children through academic failure and other sanctions."

Amshoff based his case on freedom of religion plus the well-recognized right of parents to have primary responsibility for the education of their children. As pointed out in the lawsuit, the mandatory sex-education program seeks "to impose upon the Plaintiffs a curriculu and a program of instruction and textbooks and materials reflecting state-chosen moral and philosophical values, tenets, norms and/or behavioral guidelines" regarding "family life,

(more)

sex relations, and sexual behavior which contradict, or are antagonistic to, the religious beliefs and conscientious convictions of the Plaintiffs."

Amshoff's brief said that the U.S. Supreme Court, in Ginsberg v. New York (1968), expressly recognized the primary role of parents "in assessing sex-related materials harmful to minors." Amshoff argued that this "basic parental right is not changed regardless of whether the would-be supplier of such non-obscene sexual material is the local store or the local school."

Amshoff's brief said that the Supreme Court, in Griswold v. Connecticut (1965), upheld the right of individuals to get information about contraceptives on the ground that the intimacy of the sexual act is protected by "a right of privacy older than the Bill of Rights -- older than our political parties, older than our school system." Amshoff argued that the right of the Fredericks and their sons "to familial privacy in matters regarding the transmission of sexual knowledge and information is [also] within the penumbra of the Bill of Rights."

Amshoff drew heavily on Supreme Court decisions upholding the rights of parents in such cases as Wisconsin v. Yoder (1972, which upheld the right of parents to withdraw their children from high school altogether), Pierce v. Society of Sisters (1925, which upheld the right of parents to send their children to private schools), and Meyer v. Nebraska (1923, which upheld the right of parents to have a foreign language taught to their children).

Amshoff cited a Sixth Circuit Court decision written by Supreme Court Justice Tom Clark (sitting by special designation) in Spence v. Bailey (1972) which held unconstitutional a Tennessee regulation requiring students (as a condition of high school graduation) to enroll in an ROTC military training course, because it forced the student "to choose between forfeiting his diploma, on the one hand, and abandoning his religious belief on the other hand." Amshoff argued that young Frederick, likewise, should not be forced to enroll in a course that violated his religious belief.

Amshoff and the Fredericks won their case by a settlement with the Kentucky School Board. To avoid a trial, the School Board changed its regulation for "mandatory" sex education to one which says that sex education "may be taught at the option of each local board of education." It's easy to see why the School Board didn't want a trial; it would have meant national publicity for a crucial defeat of the sex-educators.

(end)