Bush Judicial Appointees Should Be Pro-Parent

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When President George W. Bush gets around to appointing federal judges, the issue of parental rights should be a major criterion. One model for what this means is contained in the principles recently outlined by the Wyoming Supreme Court.
In two recent cases, the Wyoming Supreme Court was presented with the state's demand to dictate medical treatment for children despite parental objections. The Wyoming Department of Health had insisted that children receive the controversial hepatitis B vaccine as a condition of entering public school, even though there is no hepatitis B problem in the Wyoming schools.

This government busybody approach is chapter and verse from Hillary Clinton's ideology that the village should raise children, complete with village-mandated health requirements. Regrettably, many public-health and public-school personnel have bought into this vision of government-family relations.

Hepatitis B is a disease transmitted via bodily fluids like AIDS, such as from promiscuous sex and needle exchanges, and is not ordinarily contagious in school. Isn't it strange that schools are trying to force this vaccine, despite its side effects, on children but not on teachers? Perhaps because parents are not as well organized as teachers?

In LePage v. Wyoming, Mrs. LePage asserted a religious objection, and in Jones v. Wyoming, Mr. and Mrs. Jones asserted a medical objection, both of which Wyoming law is supposed to permit. However, the Wyoming health department took the position that it had the power to scrutinize the validity of the religious and medical objections, which it did, and then rejected them.

The Wyoming Supreme Court came down on the side of the parents in both cases. "Any agency decision that falls outside the confines of the statutory guidelines articulated by the legislature is contrary to law and cannot stand," the court declared in the LePage case.

The court further held that parents, not government, must retain authority over medical treatment for their children. "We . . . are confident in our presumption that parents act in the best interest of their children's physical, as well as their spiritual, health."

The Wyoming court even issued a warning to the legislature to avoid infringing on parental rights in the future. "It is the legislature's responsibility to act within the constraints of the Wyoming and United States Constitutions."

Parental rights are under attack all over the country from public health departments and public schools, often for seemingly innocent purposes. The Nevada legislature is now considering a mandatory hearing test of all newborns before parents will be permitted to take their own new baby home from the hospital (AB 250).

Other aspects of this legislation are even more offensive than the intrusive mandate on 100 percent of babies even though fewer than one-half of one percent of infants have hearing problems. The legislation

requires hospitals, within 24 hours of each hearing test, to record the results in a medical file on the patient that will be forwarded to the state.

It's rather clear that this legislation is simply an excuse for the state to build a universal medical database that can be used for other purposes. The Centers for Disease Control is already planning to merge all state medical databases into one national database, which was one of the objectives of the discredited Clinton health care plan.

Who will pay for this testing? The Nevada legislation would require insurance companies to pay the costs, which of course will be passed on to patients in the form of higher premiums.

Last month in New Jersey, federal Judge Nicholas Politan ruled in favor of a school district and against parents' objections to a nosy and highly intrusive questionnaire about the personal beliefs and activities of students. On the theory that the questionnaire was "voluntary," the case called C.N. v. Ridgewood Board of Education held that neither the federal Protection of Pupil Rights Amendment nor constitutional rights could stop the government intrusion.

It is settled law that minors cannot give consent for anything. No questionnaire should be called voluntary unless parents are notified and their consent obtained in advance, but that did not happen.

This case is on appeal and the courts will again be asked, who has authority over children: their parents or the state? We hope that President Bush will appoint only judges who reject the village approach to raising children and will courageously side with parents against the busybody bureaucracies.