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# Parents take another hit in the culture wars

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COMMENTARY

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Parents increasingly at war against a culture they find aggressively sexualized just lost another battle. This time against the local school board.

In a recent ruling, a three-judge panel of the 9th Circuit Court of Appeals (that be the Left Coast) determined that parents do not have a fundamental right to control when, where and how their children are taught about sex.

Rather the state -- in its far greater wisdom about what's right and wrong -- has ultimate power over your kids.

This is not a new battle, of course. Parents and school boards have argued for years about sex education. But this decision is especially offensive because the children involved are so young.

The ruling stems from a case filed by a group of Palmdale, Calif., parents whose elementary school children were given a questionnaire of dubious content. In their complaint, the parents said they would not have allowed their children to participate in the survey had they known of the sexual nature of some of the questions.

Kids ages 7 through 10 were asked, for example, to rate the following activities according to how often they experienced the thought or emotion:

"Touching my private parts too much."

"Thinking about having sex."

"Thinking about touching other people's private parts."

"Thinking about sex when I don't want to."

"Washing myself because I feel dirty on the inside."

"Not trusting people because they might want sex."

"Getting scared or upset when I think about sex."

"Having sex feelings in my body."

"Can't stop thinking about sex."

"Getting upset when people talk about sex."



Obviously, not every 7-year-old is ready to contemplate those kinds of questions. If you're a parent, there's no contest as to who should determine when such subjects are raised. Parents should.

Not so fast, and not according to the 9th Circuit.

The court made clear that it was not passing judgment on the appropriateness of the questions themselves, but only on the constitutional questions raised in the case. Herewith, plaintiff's evidence as to why the law is, indeed, an ass and why what is "legal" is not always right.

Chief among the parents' arguments was that they were deprived of their fundamental right to "control the upbringing of their children by introducing them to matters of and relating to sex in accordance with their personal and religious values and beliefs."

Sounds reasonable to any attentive parent. Who else should decide when a child learns about something so intimately bound to moral values? Apparently, the state should.

Even though the Supreme Court has ruled that parents have a constitutional right to make decisions about the care, custody and control of their children, the judges in this case ruled that parents do not have an "exclusive" right.

(Not to worry. Those hot flashes you're feeling are perfectly normal. Anger is an appropriate emotion under the circumstances, even if it's not constitutionally protected.)

In other words, the state can determine what's appropriate for your children based on what the state decides is good for society. Given that we're all concerned about sexual abuse and domestic violence, we should be permitted to ask children questions that might shed light on such problems, right? So goes the thinking.

But as parents know, children are notoriously unreliable little scamps when it comes to answering questions honestly -- especially questions they're not emotionally or intellectually equipped to understand.

The most chilling piece of the ruling was this assertion: "We further hold that a psychological survey is a reasonable state action pursuant to legitimate educational as well as health and welfare interests of the state."

Really. So now the state is in the business of psychoanalysis. Never mind that posing phase-inappropriate questions to children might create psychological complications that didn't exist before the helpful questionnaire was administered.

While legal experts argue about whether the ruling is constitutionally correct, common sense tells us that the superior right of parents to instruct their children about sex is among the most fundamental of parenting concerns.

The idea that the state knows best is not only ludicrous, but also dangerous. Bit by bit, with rulings like this, the state gains greater power over family autonomy and, inevitably, over personal freedom.

As the implicit message sinks in that the state knows best and parents aren't to be trusted, advocates for private schools and voucher programs should have no trouble finding new recruits.

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