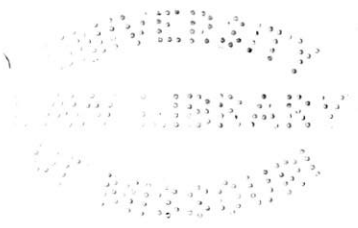


SEX LITIGATION
AND
THE PUBLIC SCHOOLS

by



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Chapter 1

INTRODUCTION

§ 1.1. Divergent views and attitudes toward sex information.

§ 1.2. Purpose of this investigation.

§ 1.3. Coverage and organization of issues involved.

§ 1.1. Divergent views and attitudes toward sex information.

Although *sex* is one of the shortest words in the vocabulary, it is one of the most controversial. Moreover, it is one of the most important. It is the Creator's plan for procreation. Without sex there would be no human life whatever on this earth.

To some people, sex is associated mainly with lust, degrading passion and the baser elements of sexual behavior. To others, it is associated mutually with the proper roles of the man and the woman in all human activities and as a positive and creative force. Home background and religious scruples are potent factors in determining attitudes toward sex.

Because of the extremely divergent attitudes on the issues involved in sexuality, anyone writing a book dealing with the subject does so with considerable apprehension. A written statement on sex which might be in tune with the views and attitudes of today's youth might be abhorrent to some of their elders with a more Victorian background.

A reason for soft-pedaling the issue in schools is succinctly stated by the authors of a research study on sexuality (Conley, John A. and Robert S. Haff, "The

Generation Gap in Sex Education: Is There One?" *The Journal of School Health*, October 1974, pp. 428-437).

Most studies have been very general in focus. Unfortunately, many well-meaning citizens have interpreted some general cautions in this area to signify a rationale for parental and student desires to either exclude this topic from consideration or, at least, to tread very lightly in its inclusion. Teachers and administrators have cowered for years over the fear that a great outcry on the part of a large number of parents will make their lives miserable. Thus, a general philosophy has developed that the topic of sexuality should be shied away from or treated with kid gloves (p. 428).

Nevertheless, anyone writing in the field of school law cannot justify skirting the issue just because it is controversial and litigious. Strong support for speaking freely on the meaning of sex may be gleaned from the eloquent opinion of former Justice Black, when in his strong dissent in *Ginzburg v. United States*, 383 U.S. 463 (1966), he expressed his belief that:

Sex is a fact of life. Its pervasive influence is felt throughout the world and it cannot be ignored. Like all other facts of life it can lead to difficulty and trouble and sorrow and pain. But while it may lead to abuses, and has in many instances, no words need be spoken in order for people to know that the subject is one pleasantly interwoven in all human activities and involves the very substance of the creation of life itself. It is a subject which people are

bound to consider and discuss whatever laws are passed by any government to try to suppress it. . . . For myself I would follow the course which I believe is required by the First Amendment, that is, recognize that sex at least as much as any other aspect of life is so much a part of our society that its discussion should not be made a crime (*Id.* at 481-482).

§ 1.2. Purpose of this investigation.

Realizing that a great sexual revolution is now taking place in our society, it is a primary purpose of this investigation to determine the extent to which the public schools are being involved.

There can be no doubt that views and attitudes toward sex are changing rapidly and radically. Whether these changes are for the better or the worse is debatable. Who should be held responsible for the changes is also debatable. There are those who believe the church, with its religious concepts and moral teaching, is responsible. Many others believe the home, with its parental obligations, accounts for the changing attitudes toward sex. And certainly the school is held accountable for its laxity in dealing with the issue. Lastly, but most importantly, as far as the publication of this book is concerned, it is the government and particularly the judicial branch which ultimately determines the legal limits on sexuality in our society.

Therefore the main thrust of this investigation is to draw attention to the legal principles derived from decisions of school cases, involving sex, that have been

Chapter 2

ONSET OF SEX EDUCATION

- § 2.0. Generally.
- § 2.1. Sex education defined.
- § 2.2. Responsibility for providing sex education.
- § 2.3. Guidelines for developing a program.
- § 2.4. Judicial reactions to sex education in the curriculum.
- § 2.5. Birth control instruction.

§ 2.0. Generally.

Sex education is currently one of the most controversial and least understood of issues confronting the public school system. Certain segments of the public endorse it as a proper and necessary part of the curriculum, whereas others denounce it as being dangerous to the development of youth. The contrasting views with respect to the propriety and necessity of sex education in the public schools could be greatly resolved if a mutual understanding and definition of the term "sex education" were accepted by all.

§ 2.1. Sex education defined.

Unfortunately some states have enacted laws providing for sex education to be taught in the public schools without defining what it entails. Other states, however, in providing for sex education in the curriculum, have stipulated quite adequately the coverage of issues to be included in the instruction. A Michigan statute is illustrative:

Sex education is the preparation for personal relationships between the sexes by providing appropriate educational opportunities designed to help the individual develop understanding, acceptance, respect and trust for himself and others. Sex education includes the knowledge of physical, emotional and social growth and maturation, and understanding of the individual needs. It involves the examination of man's and woman's roles in society, how they relate and react to supplement each other, the responsibilities of each towards the other throughout life and the development of responsible use of human sexuality as a positive and creative force (Mich. Comp. Laws Ann. art. 349.789 (Supp. 1969)).

Numerous definitions of sex education are also supplied by recognized authorities on the subject. For example, a Professor of Child and Family Studies and Director of the Institute for Family Research and Education at Syracuse University writes:

It may help to define what we mean by sex education. Included, of course, would be basic facts that adolescents need to know—information on sexual maturation, pregnancy, birth controls, sexual intercourse, etc. In short, this would cover the essential "plumbing" that is generally taught in the human reproduction sequence in biology or health (in many schools, this is all that is taught, and in the poorer schools, it is taught evasively and moralistically). Information on venereal disease—how it is spread, its effects,

treatment, and prevention—should also be available in schools. But the area of sex education that is most needed, and in the long run, will be the most effective in curbing irresponsible sex, disease, and pregnancy, deals with the basic attitudes and orientations to *all* human relationships . . . (p. 186).

One of the most important aspects of sexuality that is rarely covered in high schools is parenting. Adolescents are very interested in how to be a parent at this stage, both because they are acutely aware of their own parents' shortcomings and because they now have the capacity to actually become parents. Invaluable advice for students should include how to handle their children's swearing, masturbation, nudity, dating, and requests for birth control (p. 188). (Sol Gordon, "What Place Does Sex Education Have in the Schools?" *The Journal of School Health*, April 1974, pp. 186-189.)

The conservative approach to teaching sex education as it is defined above is generally acceptable to the public. But to some, sex education suggests a destruction of moral and ethical concepts of youth by stressing sexual intercourse, contraception, premarital relations, abortions, and pornography. In fact some people express fear that an introductory course in sex education could develop into a program such as exists in Sweden, which they consider radical and dangerous.

§ 2.2. Responsibility for providing sex education.

The responsibility for sex education should be shared by the parents, social services in the com-

munity and, particularly, the schools. Unfortunately, however, sex information to youth is most frequently provided by peers, which results in a conglomeration of leading questions followed by equally leading and vague replies, resulting in misinformation and misconception. One writer, cognizant of this fact, states:

Left to themselves, adolescents gather their information from their ill-informed age mates or through experimentation or experience. Girls are more likely to get information from their parents, but not uniformly so. Often the information divulged by the parent is sketchy and the adolescent must still go to other sources. Adolescent boys, in particular, spend considerable time talking about sex. . . . The result is often a hodge-podge of misinformation, half-true guesses or shrewd surmises, folklore, and out-and-out misconceptions which can only be cleared up by actual experience or a proper course of sex education. As a matter of fact, even actual experience fails to answer questions or clear up misconceptions . . . (p. 551). ("Sex Education: Constitutional Limits of State Compulsion," *Southern California Law Review*, vol. 43, no. 3, 1970, pp. 548-569.)

The harm from peer group sex education is worsened by readily available pornographic literature. The primary criticism of pornographic communication is that it reveals too much, too soon, resulting in psychological damage. Although some experts on the problem minimize the harm resulting from the actual reading or viewing of pornographic material itself, they are concerned that the children keep such

communication to themselves, thereby denying their parents any opportunity to ratify or reject their comments. Consequently the family then lose substantial control over the sex education of their children.

It should not be inferred from the above that sex education would be amply provided if left in the hands of parents. Some authorities estimate that approximately only five per cent of all children are given *any* sex education in the home. Moreover, even among that small percentage group, it is unlikely that the sex education is timely, well-conceived or beneficial.

With the value limitations of sex education as provided by peers, parents, social services and religious groups, the responsibility falls most appropriately on the public schools. The state, acting through the school and the mandatory attendance of children, is in the advantageous position to ensure that *all* are adequately educated, which certainly includes sex education as one of the most vital phenomena of living — love, courtship, mating and procreation.

Even though sex education should be available to all children, the mildly-retarded children are often denied that to which they are entitled. Because of the paucity of research on the subject a survey (Dewaine A. Alcorn, "Parental Views on Sexual Development and Education of the Trainable Mentally Retarded," *The Journal of Special Education*, vol. 8, no. 2, Summer 1974, pp. 119-130) was designed to explore certain aspects of sexuality in the TMR as well as attitudes of parents toward sex education of the retarded.

In general the survey indicated that the sexual behavior and attitude of the mentally retarded was not greatly unlike that of normal children. Moreover, the parents of TMR children were no more opposed to sexual education for their children than were others. Several parents commented that living on a farm was a good education in itself.

While a majority of parents of the TMR children expressed favor for some sex education, a minority did not, as typified by such comments as: "You let one person take God out of the schools and you sure put in Sex. You are more nuts than the retarded. If they are innocent let them stay that way. We hope no overzealous leader or teacher will try to put any 'big ideas' in a sweet child like mine. Put them away with their own kind; they'll be happier there." Comments such as these would cause one to wonder who was the more retarded — the child or the parent.

In a somewhat similar investigation (Gary Tuchin, "Sexual Attitudes of Mothers of Retarded Children," *The Journal of School Health*, November 1974, vol. XLIV, no. 9, pp. 490-492), an abstract of the article states:

Forty-four mothers were interviewed to assess their attitudes toward the sexual behavior, sex education, birth control, marriage, and dating of their TMR adolescents. Religion influenced mothers' attitudes toward masturbation and marriage. Although many mothers expected that their children would develop the ability to date, most of them felt that their children would never be

able to marry. Mothers wanted sex education taught in the schools, and they desired the formulation of parent groups to aid them in understanding the sexuality of their children (p. 490).

Sex education is needed by *all* youth. This includes the pregnant teenager, married or unmarried. This problem will be discussed somewhat at length in Chapter 6.

§ 2.3. Guidelines for developing a program.

An abundance of written material is available to school authorities who seek information for incorporating a program of sex education in the curriculum. Numerous publications, authored by experts in their fields, offer guidelines which may be helpful.

The following authoritative comments which may serve as guiding principles in developing a sex education program are made in an article (Howard S. Hayman, "Sex Education and our Core Values," *The Journal of School Health*, vol. XLIV, no. 2, February 1974, pp. 62-69):

Sex education, like politics, is the art of the possible. We have assumed, and rightly so, that sex education involves both facts and values. Following the principle, however, makes our task far more difficult. It is comparatively easy to teach the biological facts of life. — It is far more difficult to deal with the complex issues of sexual morality. — This dilemma confronts us with the formidable task of developing guiding principles in school

sex education that take into account our crisis in sexual values and morality (p. 62).

After considering the difficulties encountered in offering sex education, Hayman declares:

We must now put our cards on the table. The central question facing us today is: sex education, for what and why and how and when? Most parents see the need to develop family life and sex education in our schools. Yet, paradoxically, we have far too few good sex education programs in the U. S. We have even fewer parents, school administrators and school-board members, and community and church leaders who are willing and able to stand up and be counted when the anti-sex-educationalists are on the attack.

Many sincere, but worried, parents have ambivalent feelings; they are in favor of school sex education, *but?* Some fear that a Swedish approach will be used, which they consider radical and dangerous. Others fear that "sex education may lead, if not push, their children toward premature sexual sophistication; and they are reluctant to take a calculated risk" (p. 62).

The Swedish sex education approach has understandingly frightened many American parents who are sincerely concerned about the sex education of their own children. "Sex education is mandatory in all Swedish schools from kindergarten through secondary school. Birth control education is required from age 14 on, for both sexes. Contraceptives and counseling regarding their use are readily available, without parental consent, from age

15 on. Moreover, VD education, including the use of preventative measures is stressed" (p. 63).

Hayman believes "modern youth is in trouble and we had better heed their cry for help, before it is too late" (p. 67). He suggests that the school's role in sex education includes such functions as:

1. To develop two-way communication and genuine dialogue when dealing with sexual problems and issues in the classroom.

2. To impart and discuss scientific knowledge, basic unifying concepts, and our deepest insights about human sexuality and behavior.

3. To help youth evaluate conflicting sexual standards and value systems and to think things through, in relation to our guiding ethical principles and core values and laws in American democracy.

4. To help young people make sound and responsible value judgments and decisions and choices; and to develop a normative ethical code that justifies their life styles and goals.

5. To deal with sexual issues and substantive ethical systems on an objective, but not necessarily neutral, basis; and to seek areas of agreement and common ground.

6. To guide and counsel boys and girls in matters of sexual morality, as an integral dimension of their personality and character development.

7. To link human sexuality — including body, mind and spirit — with the ultimate human goals of survival, fulfillment and significant meaning (p. 67).

Hayman contends that even though teachers may feel threatened and defensive when handling controversial sex education problems and issues in the classroom, they should observe the following:

1. Don't Alienate, Communicate;
2. Don't Turn Them Off, Turn Them On;
3. Don't Preach, Teach;
4. Don't Indoctrinate, Educate;
5. Don't Dominate, Motivate;
6. Don't Tell Them, Ask Them;
7. Be Objective, But Not Necessarily Neutral;
8. Don't Trivialize Health Teaching, Focus On Relevant Targets;
9. Don't Focus On Imparting Facts, Focus On Changing Behavior (pp. 67-68).

Certain organizations have provided useful information for developing sex education programs. For example, with the formation in 1964, of a voluntary, nonprofit organization called the "Sex Information and Education Council of the United States (SIECUS)," the sex education controversy became institutionalized. Founded by six representatives from several professions, SIECUS has acted in a consultative capacity, emphasizing the need of each community to move deliberately in implementing local sex education programs, to involve community leaders in supporting roles, to scrutinize with care all materials used in the school programs, to train competent teachers, and to construct appropriate curricula. As a result of the efforts and with the aid of SIECUS, many communities,

churches and school boards were able, by 1968, to establish or improve sex instruction programs.

Another valuable source of helpful reading materials on matters pertaining to sex education is found in an up-to-date list of references following the article by Sol Gordon, "What Place Does Sex Education Have in the Schools?" published in *The Journal of School Health*, April 1974, pp. 186-189.

Dearth (Paul B. Dearth, "Viable Sex Education in the Schools: Expectations of Students, Parents and Experts," *The Journal of School Health*, April 1974, pp. 190-193) in a survey posed the following fundamental questions concerning human sexuality education:

Why should human sexuality education be in the schools?

When should human sexuality education in the schools begin?

Where should human sexuality education be placed in the schools?

Who should teach human sexuality education in the schools?

How should human sexuality education in the schools be taught?

What should be taught in the school human sexuality education programs? (p. 190).

These questions, as well as more specific ones, were given to students, parents, and experts to delineate specific expectations on many aspects of sex education. The author drew the following conclusions from the findings of his investigation:

In this study the student, parent, and expert groups indicated similar positive expectations of human sexuality education in the schools.

The parent group showed more conservative posture on several questions, with agreement often occurring between the student and expert groups.

A noticeable degree of uncertainty and undecidedness existed in all groups, particularly within the student group, indicating the lack of clarity in many individuals' minds regarding this area of the curriculum.

However, unanimity by all three relevant groups in all areas of human sexuality education is an absolutely unrealistic expectation. These findings can provide specific data which may be helpful in making sound decisions for implementing quality human sexuality education in the schools (p. 193).

In another research study (John A. Conley and Robert S. Hoff, "The Generation Gap in Sex Education: Is There One?" *The Journal of School Health*, October 1974, pp. 428-437) it was indicated that, contrary to general opinion, extremely different viewpoints of parents and students on sex matters do not exist.

If, however, a similar study were made to determine differences between grandparents and students, the differences would likely be found to be much more extreme. Presumably the parent of today is being rapidly reconciled to the modern age, including sex matters.

In the research project referred to, the interview method was employed whereby numerous questions were asked of ninth graders, twelfth graders and their parents. The basic questions were as follows:

1. When should family life education be taught?
2. Who should teach family life education?
3. How should family life education be taught?
4. Who should be taught family life education?
5. What should be taught when in family life education?

Obviously these basic questions led to many other questions dealing with specific matters pertaining to sex.

The findings of the research were revealing in that the differences were not particularly great on most of the issues discussed. Without going into detail on the many specific issues discussed with students and parents, reference is made here to only the *interpretations* offered by the researchers:

First, the generation gap, especially between the desires of parents and twelfth grade students, does not appear to exist to any degree that would warrant teachers and administrators being hesitant about teaching a complete family life education program in the schools from kindergarten through grade twelve.

Second, parents overwhelmingly support all forty areas of instruction mentioned in this report. Further, parents usually desire earlier inclusion of a topic than do students.

Third, the issue of separate vs. mixed classes appears to be one only in the eyes of administrators concerned with ease of scheduling rather than a parent-instigated issue.

Fourth, the key to the issue of who should teach family life education appears to be more related to personality and the ability to feel at ease with the topic than to such variables as age, sex, religion, and marital status.

Lastly, the authors urge others interested in separating the myths of the debate over family life education from reality to consider conducting a survey such as the one done for Champaign-Urbana for their particular locale (p. 437).

A program of sex education does not always require drastic changes in the curriculum as far as specific courses are concerned. In fact some courses would be inadequate without reference to sex in various situations. Physical education teachers certainly have a role to play in providing sexual information. A course in biology, zoology, or physiology would be virtually senseless without reference to sex. Even the English teacher finds occasion to bring the issue of sex into focus in literature courses. (The use of certain objectionable words and phrases in literary assignments pertaining to sex has been the subject of much controversy and some litigation, which will be discussed in Chapter 4.)

Conversely, there are certain courses which need not and should not have sexual overtones. References to sexual matters that do not have educational purposes

should not be condoned by school administrators in any course. On this the courts are in agreement as indicated in a classic case (*State v. Board of School Directors of Milwaukee*, 14 Wis. 2d 243, 111 N.W.2d 198 [1961]) when a tenure teacher was dismissed for discussing sex with a senior class in speech at a boys' technical school in a manner which was considered by the school board to be improper. He (a) explained procedures at houses of prostitution, (b) explained technique of performing the sex act as if recounting personal experience, (c) condoned pre-marital relations, (d) related vulgar stories, and (e) treated other subjects on sex in a manner which was alleged to be improper, unnecessary and unwholesome.

One more case (*In re Witschen*, 238 So. 2d 123 [Fla. 1970]) is cited to illustrate the illegality of discussing sex matters improperly and unnecessarily in a manner not germane to the course of instruction. In this case a school board was upheld for dismissing a band instructor who made remarks "in the classroom of mixed boys and girls, relating to sex and virginity and premarital sex relations."

The District Court of Appeals of Florida, First District, indicated its disapproval of the leniency in such matters as shown by some of the recent federal court decisions:

In addition, as to the immorality charge, there was evidence of unbecoming and unnecessary risqué remarks made by the petitioner in a class of mixed teenage boys and girls which we agree with the Federal Board

were of an immoral nature. It may be that topless waitresses and entertainers are in vogue in certain areas of our country and our federal courts may try to enjoin our state courts from stopping the sale of lewd and obscene literature and the showing of obscene films, but we are still of the opinion that instructors in our schools should not be permitted to so risquély discuss sex problems in our teenage mixed classes as to cause embarrassment to the children or to invoke in them feelings not incident to the courses of study being pursued (*Id.*).

Gordon believes "a separate course for sex education is not only artificial, but is unnecessary." He cites existing courses in psychology and human relations as examples where truths about human behavior can be understood. He states:

Teenagers have questions about masturbation, homosexuality, pornography, and perversions which must be answered openly and knowledgeably. And, no course in human relations would be adequate without considering the implications of women's liberation and the sexism inherent in societal roles.... Adolescents have tremendous anxiety over their own emerging sexuality and as a group, are tragically misinformed. Essential facts like these will dispel myths and open up new areas of discussions:

Masturbation is common and normal for adolescent girls and boys, and causes no physical or psychological harm (provided there is no attendant guilt). Although few people still

believe myths about masturbation causing aches, insanity, blindness, and impotence, new erroneous beliefs have surfaced. It would be interesting to discuss with students the reasons for these changes in attitudes toward masturbation. . . .

A person may have *homosexual* thoughts and even experiences without becoming a homosexual as an adult. Furthermore, attitudes are changing toward homosexuals. . . . (*supra*, p. 187).

§ 2.4. Judicial reactions to sex education in the curriculum.

Despite the seemingly valid arguments for incorporating sex education in the public schools, it still presents a perplexing and controversial issue. Although parents, school boards, and legislatures are in disagreement on the issue, the courts thus far have been consistent in ruling that school boards possess considerable discretionary authority, within state constitutional and legislative limits, in having sex education incorporated in the curriculum as they have for other elements of the curriculum. In fact the courts have expressed reluctance to rule upon cases regarding sex education, since it really is not a judicial responsibility unless a violation of the Constitution is involved.

1. *Clemmer v. U. S. D.* 501, Case number 112,064, District Court of Shawnee County (Kansas, 1970). The earliest court case on the issue arose in Topeka, Kansas, where a group called TASTE (Trust About Sex

Teaching in Education) challenged a school board action that provided for a program, "Human Growth and Development" which obviously would deal with sex matters. Reference to the suit initiated by TASTE is made in *Nolpe Notes*, February, 1970, as follows:

Under fire is the school system's Human Growth and Development Curriculum and its materials consisting of films, printed materials and course outlines. The suit contends teaching sex education is unconstitutional for six reasons: it violates Article I of the 14th Amendment to the United States Constitution because it "destroys our personal and inalienable rights to liberty and happiness in that it is designed to question parental authority by encouraging analysis, appraisal and criticism of parental authority"; that parents, required to send children to the public schools, have the right under this amendment to have their children taught subjects on topics which are not "repugnant to the family," and that sex education "destroys the opportunity for the family to make its own moral and ethical value judgment on sexual behavior, sexual intercourse, premarital and extra-marital relations"; it violates the 9th Amendment to the United States Constitution because parents have the right to regulate what is being taught in public schools; the training is an unlawful assumption of power by the school board, because it has never been delegated by the legislature or constitution. . . . the school board has abused its rights of discretion in prescribing courses of study in that sex education "vitaly affects the health

of children, the parent-child relationship, and family structure," and because the parents do not have control over what is taught.

The decision of the court was against TASTE, and in favor of the school board on the ground that the Legislature authorized school boards to conduct programs of public health, welfare and morals of the people, and that the sex education program is a reasonable exercise of this authority and does not violate the U. S. Constitution.

2. *Cornwell v. State Board of Education*, 314 F. Supp. 340 (Md. 1969). Shortly following the Kansas case, a somewhat similar case was adjudicated at the U. S. District Court level, wherein a by-law of the Maryland State Board of Education was the focus of litigation. The provision of the by-law was as follows:

It is the responsibility of the local school system to provide a comprehensive program of family life and sex education in every elementary and secondary school for all students as an integral part of the curriculum including a planned and sequential program of health education (*Id.* at 341).

In response to the plaintiff's contention that the by-law denied equal protection of the law, the court responded thus:

Assuredly it cannot be said that the by-law here is an arbitrary or unreasonable exercise of the authority vested in the State Board to determine a teaching curriculum, nor that there is no basis in fact for the legislative

policy expressed in the by-law. Furthermore, it does not appear that the by-law denies equal protection of the laws, as on its face it applies to all pupils equally (*Id.* at 342).

The plaintiffs further alleged that the enactment of the by-law was based on a study made in reference to pregnant pupils and was therefore defective because it applied to non-pregnant as well as to pregnant pupils. In response to this argument the court said:

The plaintiff's argument that the by-law is defective because it applies to non-pregnant as well as pregnant pupils is difficult to follow. There would appear to be just as much reason for the State Board to provide sex education for the non-pregnant (and, incidentally, for the non-impregnating) or for those students who, because of a lack of information on the subject (as for other reasons) have become pregnant or who have caused pregnancy (*Id.* at 342).

To the plaintiff's further assertion that "they have the exclusive constitutional right to teach their children about sexual matters in their own homes, and that such exclusive right would prohibit the teaching of sex in the schools," the Court replied: "No authority is cited in support of this novel proposition, and this Court knows of no such constitutional right" (*Id.* at 342).

In upholding the Board's adoption of the sex program, the Court concluded: "The unsoundness and insubstantiality of the plaintiff's position is clearly indicated by the various decisions of the Supreme Court to which I have alluded" (*Id.* at 344).

3. *Hopkins v. Hamden Board of Education*, 289 A.2d 914 (Conn. 1971). This suit was instituted by public school children and their parents seeking a temporary injunction to restrain the State Board of Education from authorizing, and a local board of education from teaching, a mandatory health education course which included sex education and family life (at 914).

The principal objection to the curriculum was heard at a trial with parents of the Catholic religious faith. The basis for their opposition was in part, that "their religious beliefs imposed upon parents the primary obligations for education of their children and that, in the area of sexual education particularly, papal encyclicals and Vatican II directed parents to instruct their children in the home in sexual matters" (*Id.* at 920).

The court is compelled to conclude under the facts in this case that there appears to be no denial of equal protection or substantive due process or equality under the fourteenth amendment, since the course is taught to all pupils, of mixed religious beliefs, and without discrimination. . . . No evidence has been offered nor authority cited by the plaintiffs for their claim that the exclusive constitutional right to teach sexual matters exists only in the home and is therefore prohibited in the schools. Unless the plaintiffs claim that a secular program was a form of religion, there appears to be no proof, from evaluating the evidence in the light most favorably to the plaintiffs, that the teaching of the curriculum will in fact establish any religious concept or philosophy in the school system (*Id.* at 921-922).

In response to the plaintiffs' allegation that the right of privacy was constitutionally violated as a result of teaching sex education as a part of the curriculum, the court responded by stating:

The only evidence offered by the plaintiffs reflected their fear of disclosures by the child in the curriculum classroom discussion of private family activities or conversations which have taken place in the home. Disclosures of this nature are not constitutionally protected and do not constitute an unlawful invasion of privacy under the fourteenth amendment to the federal constitution . . . (*Id.* at 924).

4. *Valent v. New Jersey State Board of Education*, 114 N.J. Super. 63, 274 A.2d 832 (1971). A case arose in the state of New Jersey after the State Board of Education issued a policy statement recommending that appropriate programs of sex education be developed. After noting much public controversy over the issue, the Commissioner of Education was directed to declare a moratorium on the Board's policy until a legislative inquiry could be conducted.

The Board attempted to quell opposition to the questioned course since it did not include "teachings and discussions on sexual intercourse, masturbation and contraception, contrary to religious beliefs of plaintiffs" (*Id.* at 834).

The State Board refused a recommendation that "local boards of education permit students to take sex

education courses unless a parent or guardian files a written objection with the Board of Education" (*Id.* at 835). The Commissioner of Education expressed the belief of the State Board that to grant "exceptions" could establish a precedent which could have a far reaching impact on the efficacy of the public school system.

Parents who contested the compulsory features of the program on the grounds that it violated their constitutional rights were upheld by a trial court. The Supreme Court, however, reversed the lower court ruling on the basis of similar cases previously decided by the State Supreme Court.

Litigation on the case (*Valent v. New Jersey State Board of Education*, 118 N.J. Super. 416, 288 A.2d 52 [1972]) continued with an "action by parents of public school children against State Board of Education and others to challenge constitutionality of ruling requiring attendance of their children at a course entitled 'Human Sexuality.' The Superior Court, Chancery Division, Stamler, J. S. C., held that failure to exhaust administrative remedies precluded parents from maintaining such an action" (*Id.* at 52-53). Therefore the complaint was dismissed.

5. *Medeiros v. Kiyosaki*, 478 P.2d 314 (Hawaii 1970). A case on the sex education issue went to the Supreme Court of Hawaii for settlement. The litigation began when parents of elementary school children challenged the constitutionality of showing film as part of a newly adopted program for family life and sex education. The parents wanted to know "whether parents are free to

educate their offspring in the intimacies of sexual matters according to their own moral and religious beliefs without due interference by the State" (*Id.* at 315).

In anticipation of objections by certain parents to the showing of the films an "excusal system" was established whereby parents had the option of withholding or withdrawing their children from the Program by submitting a written excuse to the school. In order to enable parents to consider the content of the lesson they were shown on Educational Television.

In holding that plaintiffs' right of privacy was not violated the Court said:

We view this "excusal system" as an effort by the defendants to allow those parents or guardians who might object to the Program or parts thereof on moral and religious grounds to have their children excused. The program was in no way compulsory, and, therefore, we cannot see how the State by "unnecessarily broad means" contravened plaintiffs' right of privacy (*Id.* at 317).

The plaintiffs' argument that the sex education courses would burden the free "exercise of religion" of those who believed exposure to the subject is sinful, was rejected by the Court as indicated by its statement: "in view of the fact that the program to which the plaintiffs now seek a permanent injunction is not compulsory, we fail to find any direct or substantial burden on the 'free exercise' of religion" (*Id.* at 317-318).

6. *Hobolth v. Greenway*, 52 Mich. App. 682, 218 N.W.2d 98 (1974). As late as 1974, the "excusal" feature of a sex education course was again litigated in a Michigan case. The plaintiff in this case had a child enrolled in the public schools of Howell, Michigan, where sex education courses were offered and elective for eighth, ninth and tenth grade students. The plaintiff parent had filed a complaint in his own behalf and that of approximately 1200 other parents similarly situated, seeking to have the law declared unconstitutional.

The law under attack was Michigan Comp. Laws Ann. Act 340 (1968). Two of the most relevant sections of the Act follow:

Sec. 789. Sex education is the preparation for personal relationships between the sexes by providing appropriate educational opportunities designed to help the individual develop understanding, acceptance, respect and trust for himself and others. Sex education includes the knowledge of physical, emotional and social growth and maturation, and understanding of the individual needs. It involves an examination of man's and woman's roles in society, how they relate and react to supplement each other, the responsibilities of each towards the other throughout life and the development of responsible use of human sexuality as a positive and creative force.

Sec. 789c. Any student upon the written request of parent or guardian shall be excused from attending classes in which the subject of sex education is under discussion and no

penalties as to credits or graduation shall result therefrom (*Id.* at 99).

Apparently after much wrangling, with the display of exhibits and testimony, a lower court refused the contention that plaintiffs were denied substantive due process rights under the Fourteenth Amendment and freedom of religion under the First Amendment.

When carried to the Court of Appeals of Michigan, that court affirmed the lower court ruling, and concluded with the following remark:

Neither the establishment of a course of instruction on sex education nor attendance at such a course, if established, is compulsory. The board of education can establish the course if it wishes. If established, a student can take the course if he desires and is authorized to do so by a parent or parents. Parental authorization was one of the modifications (*Id.* at 100).

The above-quoted remark is significant because it prevents students' taking sex education without the knowledge or consent of parents.

7. *Preston, et al. v. Board of Education of Westfield*. Decided by the Commissioner of Education of New Jersey, January 23, 1974. The courts are generally agreed that sex education courses are legal within legislative limitations. The litigious issue deals mostly with the compulsory aspects, which is usually resolved by an "excusal" feature of the program. The excusal provision, however, could be too complicated and relenting for judicial approval. A case in point arose in

New Jersey when parents of pupils enrolled in the elementary grades of the Westfield Public Schools charged the Board of Education with illegally violating their constitutional rights by proposing a Family Living-Sex Education Curriculum. The Board denied the allegation.

After much consideration and debate, all issues of the proposed program were resolved by all parties concerned. The matter was then referred to the Commissioner of Education, who is authorized by law to decide educational issues arising in the State of New Jersey.

The Commissioner took cognizance of the "limited excusal program" being considered by the Board which would provide:

That if a parent determined that the family living program would be beneficial for the child, but felt that a particular session in the program probably would involve audiovisual material that was not in the best interest of his or her child, that the child could be excused from that one session and still take advantage of the other session (*Id.* at 6).

It was further proposed that the "limited excusal program" should be extended to classroom discussions, so that a parent might determine in which discussions his youngster should participate.

After viewing the "limited excusal program" being considered by the overly-compromising Board, the Commissioner ruled it:

completely untenable and without legal justification or authority. In its essence, such a policy, were it to be adopted, would give to parents the authority which the Legislature has already vested in local boards of education. . . . Historically, boards of education are the agencies which have the authority to determine curricula for their pupils. . . . These powers can neither be increased nor diminished except by the Legislature (*Id.* at 8).

§ 2.5. Birth control instruction.

Although many sex education programs provide for an instructional unit on "birth control," some legislatures and school patrons are vigorously opposed to having it included in the curriculum, even though instruction of other topics in physical and health education would be permissible and advocated.

Mercer v. Michigan State Board of Education, 379 F. Supp. 580 (Mich. 1974), 95 U. S. 673 (1974). For example, the legal right to teach "birth control" was the issue in a case where the state statute permitted courses to be offered in physical and health education, but with a limiting provision, stated in the following terms:

Provided, however, that it is not the intention or purpose of the act to give the right of instruction in birth control and it is hereby expressly prohibited to any person to offer or give instruction in said subject of birth control or offer any advice or information with respect to said subject: Provided further, that any child upon the written request of parent or guardian shall be excused from attending classes in which the subject of sex hygiene of the

symptoms of disease is under discussion and no penalties as to credit or graduation shall result therefrom (*Id.* at 582).

Dr. Goldfine and Mercer (plaintiffs in this case) filed a complaint for declaratory and injunctive relief against the state education statute quoted above. The U. S. District Court ruled, however, that neither Goldfine nor Mercer had standing to maintain this action either on their behalf or on behalf of any other person: "A litigant must show a demonstrable injury before he may be said to possess a sufficient interest in the action to entitle him to be heard on the merits" (*Id.* at 583).

Mercer's contention was in essence a question of who controls the school's curriculum and to what extent. The Court admitted the undoubted right of the State to establish the curriculum, but cautioned that "the right of the State is not absolute. . . . It is the duty of this court to sift the law and the facts and determine whether or not the State overstepped its boundaries in prohibiting the teaching of birth control" (*Id.* at 585).

Whether or not the State overstepped its legal boundaries, in this instance, the Court upheld the dismissal of the motion of the plaintiffs, and supported its decision with the following rationale:

The thrust of this suit is to obtain an abstract determination of the invalidity of the statute on its face at a time when there are no concrete problems before the court. No one is charged with violating the act. This is exactly the kind of case in which a declaration of invalidity of certain application would not be appropriate.

The statute on its face is valid. The only question, if any, will come from its application. A plaintiff will not be heard to attack a Constitutional statute on the ground it might some day be applied to him in an unconstitutional manner. . . . There is no indication there have been efforts to apply improperly the statute or that its application is causing any problems in connection with attempting to teach matters directed and authorized by the state. . . . The court should wait until someone is alleged to have violated the statute and there are facts, as cold and hard as concrete instead of hypothetical, before attempting to write the outer limits of constitutional authority in the area (*Id.* at 587).

On appeal, this case was taken to the United States Supreme Court where, on December 23, 1974, the judgment of the lower court was promptly upheld. Therefore: "Michigan's statutory prohibitions against teaching of birth control in public schools does not infringe upon First Amendment right of public school teachers. Judgment affirmed" (*The United States Law Week*, December 24, 1974 [at 3354]).

- § 8.28. Status and impact of Title IX of the Education Amendments of 1972.
- § 8.29. Deprivation of educational opportunity.
- § 8.30. Textbook influences in stereotyping the sexes.
- § 8.31. Female participation in sports.

§ 8.1. Divergent views and attitudes toward sex information.

There is great variability in our society regarding views toward divulging sex information. Home background and religious scruples appear to be the most potent factors in determining the variation in attitudes.

Because of the conflicting views, "sex" is a subject which many writers are reluctant to discuss. Educators, in particular, are fearful to treat the issue lest they offend some school patrons whose financial and moral support are necessary for maintaining the school system.

The judicial view, however, supports free expression by teachers and others on sexual matters, as expressed by a judge of the United States Supreme Court who emphasized that "sex is a fact of life" and "is so much a part of our society that its discussion should not be made a crime."

§ 8.2. Purpose of this investigation.

An objective of this publication is to determine the extent to which the public schools are involved in the "sexual revolution" of the present decade.

It is proposed that the church, the home and the school should all assume some responsibility in

adjusting to the revolution. It is the judiciary, however, that determines the extent to which sexual innovations are constitutionally permissible. Therefore, the understanding of court decisions on sexual issues related to the schools is of utmost concern to school officials, school personnel, and parents of school children.

§ 8.3. Coverage and organization of issues involved.

Despite the title of the book, it appeared necessary to give attention to articles written by recognized authorities in their respective fields. Their comments are frequently controversial and often lead to litigation.

Moreover, the various acts of the Congress pertaining to sexuality in the schools necessitate some treatment. Obviously the Equal Rights Amendment (ERA) if and when ratified will generate litigation in its application. Title IX of the Education Amendments of 1972, in its present status, is referred to. But in all probability the interpretation of the proposals made with respect to it will cause much litigation for years to come.

ONSET OF SEX EDUCATION

§ 8.4. Sex education defined.

Contrasting views and attitudes with respect to the propriety and necessity of "sex education" could be greatly resolved if a common understanding of its meaning were accepted by all. The most comprehensive

definition of sex education this author was able to find is contained in the Michigan laws which reads:

Sex education is the preparation for personal relationships between the sexes by providing appropriate educational opportunities designed to help the individual develop understanding, acceptance, respect and trust for himself and others. Sex education includes the knowledge of physical, emotional and social growth and maturation and understanding of the individual needs. It involves the examination of man's and woman's roles in society, how they relate and react to supplement each other, the responsibilities of each towards the other throughout life and the development of responsible use of human sexuality as a positive and creative force.

§ 8.5. Responsibility for providing sex education.

Many persons believe sex education is a proper function of the home. Unfortunately, however, the home has, in general, failed woefully in providing youths with the necessary information they need about sex during their developmental years. Consequently sex information is most frequently provided by peers, which is often misleading and detrimental.

Since the value of sex education, as provided by peers, parents, social services, and religious groups is limited, the responsibility falls most appropriately on the public schools where its value will accrue to *all* youth.

§ 8.6. Guidelines for developing a program.

An abundance of written material is available to school authorities who seek information for incorporating a program of sex education in the curriculum. Numerous publications, authored by experts in their fields, offer guidelines which may be helpful.

Also, a voluntary, non-profit organization called "Sex Information and Education Council of the United States (SIECUS)" has acted in a consultative capacity in initiating and maintaining worthwhile programs of sex education.

§ 8.7. Judicial reactions to sex education in the curriculum.

Despite the seemingly-valid arguments for incorporating sex education in the public school curriculum, a minority of parents raise strenuous objections — based mostly on religious grounds. Consequently the issue has been carried to the courts for settlement.

At least seven cases on the issue have been adjudicated in courts of record during the past decade. In virtually all instances the courts have been in agreement that sex education is legal within legislative limitations. The main issue of litigation concerns the compulsory aspects of a sex education program. This is usually resolved by an "excusal" provision which permits those whose parents object, to absent themselves from the instruction.

There are some persons — including the author — who believe certain aspects of the sex education program should be compulsory for all children.

§ 8.8. Birth control instruction.

Many programs of sex education contain "birth control" as an element of instruction. Not until 1974, however, has it been isolated as a single issue for litigation. In the only case to date on the issue the United States Supreme Court held: Michigan's statutory prohibitions against teaching of birth control in public schools do not infringe upon First Amendment right of public school teachers.

If it had been proved that the Michigan statute had been harmful or caused problems in the teaching of matters directed and authorized by the state, a different decision might have been rendered.

LEGAL LIMITATIONS OF SEX BEHAVIOR

§ 8.9. Homosexuality.

"Homosexuality" means sexual desire or behavior directed toward a person or persons of one's own sex. It has been in existence for centuries without judicial disapproval. Only in recent years, however, has it constituted a litigious issue as applied to school teachers.

In general the courts are in agreement that "homosexuality," in itself, does not constitute

"immorality" and is therefore not just cause for dismissal of a teacher.

The judicial consensus appears to be that unless one's sexual idiosyncrasies, such as homosexuality, interfere with the proper conduct and morale of the school, a teacher whose teaching efficiency is not impaired cannot be legally dismissed nor have a teaching certificate revoked.

§ 8.10. Adulterous and other illicit acts.

There are no clear cut legal principles which determine whether or not a teacher is subject to dismissal because of adulterous or other illicit acts. It depends upon certain factors that exist.

Normally a teacher's illicit behavior outside the classroom is not cause for dismissal if the teacher's reputation is not tarnished sufficiently to cause public resentment and disapproval. If, however, a teacher's sexual conduct, in or out of the school, is such that it establishes harmful teacher-student relations, a school board would be upheld by the court if the offending teacher were dismissed.

Mere suspicion of sexual misconduct is not justification for termination of a teacher's contract. Actual facts are necessary.

§ 8.11. Bizarre cases of sexual behavior.

The most repugnant act of sexual misbehavior in the eyes of the public is "oral copulation." The act is especially incriminating when performed in public view.

In all the cases cited on this issue, the courts have upheld the boards of education in the dismissal of teachers for such an act which is "indicative of corruption, and indecency, depravity, dissoluteness, and shamelessness."

The flimsy argument of teachers who are guilty of the indecent act in public, and claim it does not affect their teaching efficiency, does not deter the judiciary in upholding the school boards for teacher dismissal.

Although "transsexualism" has been common for many years, there is only one case reported by a court of record where a teacher has been involved. In this case a male teacher who underwent sex-reassignment surgery to change his external anatomy to that of a female was dismissed from his teaching position on the ground that his retention would result in harm to students. The court upheld the board's dismissal of the teacher despite his proven ability to perform his (or her) teaching functions efficiently. The court concluded the teacher's presence in the classroom would "create a potential for psychological harm to the students."

The last of the so-called "bizarre" cases referred to was more ludicrous than relevant. The case involved a male sixth grade teacher who was dismissed for public "conduct unbecoming a teacher" by displaying and fondling, in public view, a mannequin. The teacher objected to the dismissal because his sexual actions were unrelated to his teaching performance which was rated as excellent. Moreover, he argued he was being deprived of his constitutional right of privacy. The

court's adverse reactions to those arguments are described in the last section of Chapter 3.

ALLEGED OBSCENITIES IN TEACHING

§ 8.12. Obscenity defined.

In brief "obscenity" is considered to be that which corrupts the public morale by indecency. For the purpose of this publication obscenity is that which tends to stir the sex impulses or leads to sexually impure and lustful thoughts and lowers the standards of right and wrong especially as related to sex relations.

The difficulty in judging what is illegally obscene today is that social standards are so remotely different from what they were decades ago. Our ancestors would have been shocked by expressions which are commonplace today.

§ 8.13. English literature most vulnerable.

The task of the English teacher, who insists on the exercise of academic freedom, is hazardous. Care must be taken to refrain from using reading materials that contain words or phrases which might be objectionable and offensive to certain school patrons. As one writer states:

Parents continue to be afraid — in rather vague ways — of the possible effects of "dirty" or "subversive" books on their children, and the English teacher who tries to get more lively, contemporary literature into

7-4-2001

ST. CHARLES

Man, 72, pleads guilty of sexually molesting children

A St. Charles man has pleaded guilty to three counts of molesting young children on three separate occasions between 1985 and earlier this year.

Kenneth R. Boschert, 72, entered a plea of guilty Friday to one count of endangering the welfare of a child and two counts of child molestation in the court of St. Charles County Circuit Judge Lucy Rauch. Rauch delayed sentencing Boschert while a pre-sentence investigation of Boschert's background is conducted.

Boschert pleaded guilty of improper sexual conduct with a girl between 5 and 6 years old between August 1985 and August 1987. He also admitted to improper sexual contact with a 6-year-old in the spring of last year and a 7-year-old girl in the spring this year.

The county prosecutor's office is recommending a sentence of 14 years in prison for the offenses.

ST. CHARLES

Man, 25, gets 8 years in sexual assault of boy

Matthew Meier, 25, of St. Charles, was sentenced in St. Charles County Circuit Court last week to eight years in prison after pleading guilty to sexually assaulting a teen-age boy he met on the Internet. The charge carries a maximum of life in prison.

The sentence will be in addition to a four-year sentence he received on a federal charge of using the Internet to try to induce minors to engage in sex acts. The sentence involves completing a federal treatment program for sex offenders in North Carolina. Federal authorities say that between October 1999 and February 2000, Meier used his computer to send messages and nude pictures over the Internet to four juveniles, all from St. Charles County. Even after learning their ages, Meier tried to persuade the juveniles to have sex for money, authorities said.

Meier was charged with first-degree statutory sodomy in St. Charles County after getting one teen-age boy to come to his home in the 200 block of Gumtree Drive and sexually assaulting

him in January last year.

Police began investigating Meier after one of the boys told his mother that a man was sending him sexually explicit messages in a chat room on the Internet and had met him and gave him a sexually explicit magazine.

When the charges were filed, Meier was working as a classroom aide for Wild Horse Elementary School in Chesterfield, which is part of the Rockwood School District.

O'Fallon man faces rape charge

Suspect allegedly met teen on the Internet

By Alan George
Staff writer

A 35-year-old O'Fallon man has been accused of statutory rape after allegedly luring a 14-year-old Ralls County girl to his home and having sexual intercourse with her.

James Phillip Stamer was arrested Aug. 19 by O'Fallon police and subsequently charged

O'FALLON

by the St. Charles County Prosecuting Attorney's Office with second-degree statutory rape, a Class C felony punishable by a maximum of seven years in jail and a \$5,000 fine.

Stamer allegedly met the girl on the Internet and invited her on Aug. 17 to his residence in the 2500 block of Stillwater, in the Bayfield subdivision, Capt. Jerry Schulte of the O'Fallon Police Department said Wednesday.

The girl's mother said her daughter had told her she was going camping with friends for the weekend on Aug. 17, Schulte said. Thereafter, the mother talked to some of her daughter's

friends, who knew nothing about the camping trip, Schulte said.

The mother then decided to search her daughter's room, at which time she found Stamer's address and notified the O'Fallon Police about 3:30 p.m. on Aug. 19.

Schulte said officers were dispatched to Stamer's residence immediately after the conversation with the girl's mother.

"They got there right around 4 p.m.," he said.

Stamer was arrested, and the girl was released shortly thereafter to her mother, who had driven down to O'Fallon, Schulte said.

As of Wednesday, police had not determined the length of Stamer's relationship with the girl, Schulte said.

"We seized both computers, and they are going to be checking to see just how long the relationship had been going on," he said. "We're going to see if it can help our case."

Schulte said the police department is becoming increasingly concerned that criminals are using the Internet to take advantage of young people.

"It seems to be a growing

trend, because of the instances in the area over the last few weeks," he said. "It's a nationwide problem, though."

On Aug. 15, St. Peters police arrested Paul T. Benson, 46, of Calhoun, Ga., after he allegedly had sexual intercourse with a 15-year-old O'Fallon girl in a St. Peters hotel. The two allegedly met three times in the same manner beginning on June 27, according to information provided by St. Peters police.

The county Prosecuting Attorney's Office charged Benson with seven counts of second-degree statutory rape and seven counts of statutory sodomy. As of Journal deadline Wednesday he was in custody in the St. Charles County in lieu of \$200,000 cash bond.

As of Journal deadline Wednesday, Stamer also was in custody in the county jail in lieu of \$20,000 bond, no 10 percent allowed. If released on bond, he would not be allowed any contact with his alleged victim or anyone else younger than 17, according to documents filed in St. Charles County Associate Circuit Court.

A hearing on the charge against Stamer is scheduled for Aug. 29 in Associate Circuit Court.

Teen is charged with sexual assault of boy

Richard J. Aubuchon, 15, of Maryville, was charged Friday as an adult with three counts of aggravated criminal sexual assault. He is accused of sexually attacking a 10-year-old boy three times in May.

Police Chief Don Sonnenberg said Aubuchon verbally threatened and sometimes struck the younger boy. Madison County State's Attorney William R. Haine said that under the law, a 15-year-old is considered an adult for prosecution for this crime.

Man sentenced to 19 years in prison

Thomas Costello, co-owner of All-Channel Satellite in St. Charles, was sentenced June 22 to 19 years in prison for three counts of first-degree child molestation and two counts of first-degree statutory sodomy.

Costello, 40, was accused of molesting a girl less than 10 years old last year in his home in the 1200 block of Overlook Drive in the Harvester area.

A jury in St. Charles County Circuit Court convicted Costello of all five counts May 10, according to court records. The jury recommended sentences, if served consecutively, that would have sent Costello to prison for 37 years.

St. Charles County Circuit Judge Ellsworth Cundiff allowed Costello to serve some sentences concurrently, so Costello is scheduled to spend only 19 years in prison, according to court records.

O'FALLON

Man, 44, accused of sexually abusing girl under age of 12

A man from O'Fallon has been accused of sexually abusing a girl under the age of 12 between August 1999 and December 2000. The man, Thomas M. Kowalsky, 44, of Springwind Court, was charged this week with four counts of first-degree statutory sodomy and two counts of first-degree child molestation.

Prosecutors have charged him as a "prior and persistent offender," meaning he faces harsher prison terms if found guilty. Records show he pleaded guilty in Virginia in 1984 to two counts of aggravated sexual battery involving a child under the age of 11.

Repeat Offender

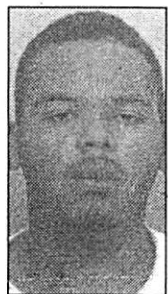
ST. CHARLES

Teen faces 5 counts of statutory rape

Girl returned to St. Louis after staying in St. Charles

By Carrie A. Trent
Staff writer

Michael Dorian Steed, 17, of Velda Village Hills in St. Louis County was arraigned Tuesday in St. Charles County Circuit Court on five felony charges in connection with the disappearance of a 13-year-old St. Louis girl.



Steed

The girl had been

reported missing since July 31. She was reported found Monday morning by St. Louis detectives after she returned home about 7 a.m.

The detectives learned the girl had been staying with Steed, her boyfriend, at the Bel Rae apartment complex just west of First Capitol Drive in St. Charles.

Detectives on Monday morn-

ing alerted St. Charles police that they had located the apartment and the individual who had been harboring the girl for the past week, said Cpl. Ron Bextermueller of the St. Charles Police Department.

Police learned the two had engaged in sexual intercourse several times while at the apartment. St. Charles police applied for charges on five counts of first-degree statutory rape and took Steed into custody Monday, Bextermueller said.

Steed pleaded not guilty to the charges. As of Journal

deadline Wednesday, he was in custody in the St. Charles County jail in lieu of \$50,000 bond, no 10 percent allowed.

Steed is to have no contact with the girl. A hearing on the case is set for Aug. 14 in St. Charles County Circuit Court.

Steed allegedly befriended the girl in a telephone chat room and took her to St. Charles last week, Bextermueller said.

The two juveniles were staying at an apartment belonging to a friend of Steed, Bextermueller said.

In Missouri, statutory rape in the first degree is committed if a person has sexual intercourse with a person younger than 14.

On each charge of first-degree statutory rape the maximum penalty if convicted is life in prison; the minimum is five years, said Jack Banas, St. Charles County prosecuting attorney.

Man sentenced to 8 years in child molestation

Michael Issler, who pleaded guilty, offers a possible reason for his actions.

By Laura Bauer Menner
News-Leader

Despite a tearful apology to the judge and insistence that he was getting help for his problems, a Springfield man got an eight-year prison sentence for child molestation.

Michael A. Issler, 31, told Circuit Judge Calvin Holden Friday that he realized he has made mistakes.

He said he didn't mean to hurt a young girl. He pleaded guilty in April to molesting her.

"It took me a while to realize I did some things wrong," Issler said, his voice breaking. "I've realized when I was a kid I was sexually abused myself and that could have contributed to my behavior."

Regardless, Holden told Issler that he didn't believe probation was appropriate. The judge, who presided over a mistrial in Issler's case in March, gave Issler the maximum eight years for his guilty plea to the Class C felony. Issler was origi-

"It took me a while to realize I did some things wrong. ..."

— Michael A. Issler
sentenced for child molestation

nally charged with two counts of first-degree child molestation.

Eight years is what Assistant Prosecutor Jill Geary asked for Friday in court.

She said the extent of his crime, coupled with a lengthy record of at least six other crimes, called for a stiff penalty.

1999 and Jan. 12, 2000.

"He told me if I were to touch his privates, he would take me to the store and give me \$1," the victim told the jurors.

She also said Issler threatened to break both her legs and her arm if she told anyone.

As he was sentenced Friday, Issler told the court he is suicidal. "I don't feel like living anymore. I haven't since — a long time."

"I don't want you to commit suicide, that's not my purpose," Holden responded. "But in the back of my mind I'm thinking of the little girl."

Newsleader 5/26/01

SEX, RELIGION AND PARENTS:

TEEN PREGNANCY AND THE FACTS OF LIFE

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INTRODUCTION

Rates of teenage out-of-wedlock births and abortions have been decreasing over the last TK years. These decreases coincide with increased teaching of “abstinence-only” sex education and the modification of liberal sex education, now called “abstinence-plus” or “comprehensive sex education” to give greater mention of abstinence in their curricula.

However neither set of programs has fully harnessed parental involvement or religious beliefs and worship. It is time to move the policy debate forward into these two areas.

Until the initiation of abstinence-only strategies the United States government pursued a strategy to reduce adolescent out-of-wedlock births through secular liberal programs that aggressively distanced themselves from religious life and practice. However, the scientific literature clearly shows that religious practices of adolescents, their parents and their friends, each prolong virginity and reduce adolescent pregnancy, but when combined they have enormous effects. The positive impact of religion on the sexual behavior of adolescents is unmatched.

The most comprehensive overview of outcomes of sex education programs was conducted by the Department of Health and Human Services¹ and used extensively for the National Campaign to Prevent Teen Pregnancy’s summary of the sex education literature “No Easy Answers”. The conclusions of the literature overview were:

- Liberal sex education has not delayed the age of sexual initiation.
- Liberal sex education has not increased the rate of contraception.
- Liberal sex education has not decreased rates of teenage pregnancies.

A review of the literature on the effects of religious practice on these same parameters shows that

- Regular religious practice significantly delays the age of sexual initiation. TK Further, the analysis shows that those who worship more than once a week retain their virginity yet another 40% more.

¹ Kristin A. Moore, Barbara W. Sugland, Connie Blumenthal, Dana Gleib, Nancy Snyder, “Adolescent Pregnancy Prevention Programs: Interventions and Evaluations” Child Trends, Inc. Washington DC, June 1995 and Kristin A. Moore, Brent C. Miller, Dana Gleib, and Donna Ruane Morrison, “Adolescent Sex, Contraception, and Child Bearing : A Review of Recent Research” Child Trends, Inc. Washington DC, June 1995

- Adolescents who lose their virginity early are seven times more likely to have parents who approve of premarital intercourse than are adolescents who remain virgins.
- Regular religious practice decreases the need for contraception: weekly religious worship is linked to a 50% lower rate of adolescent sexual activity during the mid and high school years.
- Regular religious practice significantly decreases the rate of teenage pregnancies.

A review of the literature on the effects of parental involvement on these same parameters shows that

- Greater parental involvement increases the age of sexual initiation. When parents hold strong opinions on sexual abstinence and make sure their children know these opinions, adolescents maintain their virginity much more and become pregnant a lot less frequently.
- Parental involvement decreases the rate of teenage pregnancies.
- Parental instability of marriage increases the risk of adolescent sexual activity and pregnancy. Adolescent pregnancy increases by 33% for each change in parents' marital status while the child was growing up.

Religious practice by teenagers and their peers each lead to a decrease in sexual activity. Parental religious worship and parental marital stability are linked to each other and in turn also decrease teenage sexual activity. Both family life and religious worship, are very powerful in their effects, far more than other variables studied in sex education of teenagers.

Congress should

- Extend charitable choice to the sex education area so that faith based organizations, including faith based schools, can offer sex education to teenagers and to their parents, either separately or together.
- Commission the Department of Health and Human Services or the GAO to estimate the reduction in health expenditures on teenage out-of-wedlock births, STDs and abortions that result from the different levels of religious worship by teenagers and their families.
- Hold hearings to educate Congress, the media and the public on the impact of religious worship and parental involvement on the reduction in teenage sexual activity and pregnancies.

THE FAILURE OF LIBERAL SEX EDUCATION PROGRAMS

Liberal sexual education programs gave the message to teenagers that having sexual relations was a legitimate option for young unmarried people, and that this option needed to be handled in particular ways (use of contraceptives to avoid pregnancy and condoms to avoid

STDs). Such programs failed to reduce adolescent sexual behavior, contraception rates or adolescent pregnancies.

The Failure To Delay Age of Sexual Initiation

Liberal sexual education programs have failed to positively impact adolescent sexual behavior. In 1996, the liberal leaning National Campaign to Prevent Teen Pregnancy established the Task Force on Effective Programs and Research to examine the effectiveness of adolescent pregnancy prevention efforts. This Task Force catalogued the peer reviewed research published on the impact of sexual education programs. The results of this research review are clear: secular based sexual education classes of the last 20 years have no effect on adolescent sexual behavior.

For example, a 1997 experimental study examined the impact of Project SNAPP, a secular sex education program aimed at seventh graders in Los Angeles. Through interactive activities, role plays, and group discussions, Project SNAPP aimed to delay the initiation of sexual activity, reduce the frequency of sex among sexually active participants, reduce the number of partners among sexually active participants, and reduce the rate of sexually transmitted diseases among participants. The study questioned adolescents five months and seventeen months after participation and found that Project SNAPP failed to achieve any of the stated goals – that is to say, Project SNAPP failed to affect the sexual behavior of participating adolescents.²

The failure of Project SNAPP to affect the sexual behavior of participating adolescents is not an isolated case. Over and over again, Liberal sexual education programs are found to have failed to affect the sexual behavior of participating adolescents. For example, a 1985 study examined 11 different sexual education programs across the United States. The programs used diverse tactics to try and influence the choices adolescents make regarding sexual activity. None of the programs managed to influence adolescents to delay sexual initiation. None of the programs reduced the frequency that adolescents engaged in sexual activity. All of the programs failed to positively impact the sexual behavior of participating adolescents.³

Despite the overwhelming and consistent evidence of the failure of liberal sexual education programs, occasionally it appears as if one of these programs is positively affecting the behavior of adolescents. On closer examination, however, the apparent impact of these programs is inevitably short-lived. For example, a 1990 study of a sexual education program in Atlanta found that the program appeared to have influenced eighth and ninth graders to decide to delay initiation of sexual activity. However, by twelfth grade, there was no difference in age at loss of virginity between students who participated in the program and students who did not.⁴ Again, the lesson is clear: over the long-term, liberal sexual education programs fail to delay the sexual initiation of adolescents.

² Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, Table 3, p.59. See Column Summary: Kirby, Korpi, Adivi, Weissman, Project SNAPP, 1997.

³ Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, Table 3, p.57. See Column Summary: Kirby, 11 sexuality education programs in the U.S., 1985.

⁴ Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, Table 3, p.58. See Column Summary: Howard, McCabe, Postponing Sexual Involvement (PSI) and Human Sexuality, 1990.

The Failure To Increase Contraception Rates

In the same way that liberal sexual education fails to delay the sexual initiation of adolescents, it also fails to increase the rates of contraception among adolescents.

The definitive examination of the impact of liberal sexual education programs on contraceptive rates is the body of research compiled by the National Campaign to Prevent Teen Pregnancy's Task Force on Effective Programs and Research. The conclusion that can be drawn from all of the collected research is clear: Liberal sexual education programs have no impact on the rate of contraception use among adolescents.

There are many examples of the failure of secular liberal programs to impact rates of contraception. A 1990 study evaluated "Teen Talk", a Liberal sexual education program aimed at students in Texas and California. One of the goals of Teen Talk was to increase regular contraception among participating adolescents. Teen Talk failed to do this. It had very little impact on male use of contraception, and seemed to reduce the rate that females regularly used contraception.⁵ Other examples abound. A 1992 analysis of the "McMaster Teen Program" found that it had no impact on consistent contraceptive use.⁶ A 1994 examination of the "Skills for Healthy Relationships" program found that the program failed to increase the use of condoms.⁷ However these are not isolated instances. In, program after program reviewed by the National Campaign to Prevent Teen Pregnancy⁸, the pattern is clear: Liberal sexual education programs consistently fail to increase the use of contraception among sexually active adolescents.

The Failure To Reduce Adolescent Pregnancy Rates

Liberal sexual education fails to delay sexual initiation or to increase the use of contraception among adolescents. Given these conclusions it is not surprising that liberal sexual education fail to reduce adolescent pregnancy rates.

Among all of the programs evaluated in the research collected by the National Campaign to Prevent Teen Pregnancy's Task Force on Effective Programs and Research, *not a single program reduced adolescent pregnancy rates.*⁹ This is not surprising – secular liberal programs do not deter adolescents from initiating sexual activity, and to the date of that review did not increase the use of contraception among adolescents. Without achieving at least one of these means, even by liberal sexual standards such sex education cannot reduce adolescent pregnancy except through the use of abortion. (And abortion is used a lot: In 1996, in New Jersey, the highest in the nation, 52 percent of teenage pregnancies ended in abortion; in Utah, the lowest, 13 percent of teenage pregnancies ended in abortion, while the national average was 30 percent of teenage pregnancies ended in abortion.)¹⁰ In summary, up through 1997 reviews of liberal

⁵ Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, Table 3, p.61. See Column Summary: Eisen, Zellman, McAllister, Teen Talk, 1990.

⁶ Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, Table 3, p.57. See Column Summary: Thomas, Mitchell Devlin, Goldsmith, Singer, Watters, McMaster Teen Program, 1992.

⁷ Kirby, Douglas. "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy", Task Force on Effective Programs and Research, The National Campaign to Prevent Teen Pregnancy, p.60. See Column Summary: Warren, King, Skills for Healthy Relationships, 1994.

⁸ For other examples, see pages 57-62 from "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy"

⁹ See pages 57-62 from "No Easy Answers – Research Findings on Programs to Reduce Teen Pregnancy"

¹⁰ Child Trends "CTS Facts at a Glance 1999," at www.childtrends.org/factlink.cfm Dec. 1, 2000

sexual education programs, conducted by scholars friendly to the liberal view, concluded that such programs did not reduce the rate of adolescent pregnancy.

THE SUCCESS OF RELIGION IN REDUCING ADOLESCENT SEXUAL ACTIVITY

In contrast to the effects of liberal sex education programs the practice of religious beliefs has strong effects in bringing about the desired conduct. When adolescents, or their peers, or their parents worship regularly, adolescent sexual activity is reduced. Combined, the effect is even greater.

The Positive Effects of Personal Religious Practice on Adolescent Sexual Behavior

The more adolescents worship God regularly the less they engage in sexual activity outside of marriage. Those who do not worship at all engage in high levels of sexual activity.

Personal religious behavior and practice by adolescents sharply reduces the incidence of premarital intercourse.¹¹ For example, analysis of the National Longitudinal Survey of Youth --- a national survey that tracks how American youth born between 1957 and 1964 have behaved since 1978 when the survey first began tracking them --- demonstrates that weekly religious worship is linked to a 50% lower rate of adolescent sexual activity during the mid and high school years. Further, the analysis shows that those who worship more than once a week retain their virginity yet another 40% more.

Insert Chart 1..Age at First Intercourse

Personal religious practice has a significant and positive impact on the choices that adolescents make regarding their initiation of sexual intercourse. Researchers have found, for example, that the more adolescents give importance to religion and prayer, the longer they retain their virginity.¹² Significantly, this connection between personal religious worship and virginity is noticeable for all adolescent males regardless of their testosterone levels – despite the fact that levels of testosterone normally affect the onset of sexual intercourse among males.¹³

Insert Chart 2..Virginity and Religious Worship

The link between adolescent virginity and personal religious practice is further supported by the findings of Emogene Fox and Michael Young, health educators in Arkansas. In a 1989 survey of 200 freshmen, they found that virgins were significantly more likely than non-virgins to participate in worship, prayer, and Bible reading, and to view the maintenance of virginity as

¹¹ Bernard Spilka, Ralph W.Hood, and Richard L. Gorsuch, *The Psychology of Religion: An Empirical Approach*: Prentice Hall, Englewood Cliffs, NJ, 1985. See also: Cheryl D. Hayes, (Ed) "Risking the Future: Adolescent sexuality, pregnancy and childbearing." Vol. 1, National Academic Press, Washington DC, 1987. See Also: Michael J. Donahue, "Aggregate Religiousness and Teenage Fertility Revisited: Reanalyses of Data from the Guttmacher Institute," Paper presented at the Society for the Scientific Study of Religion, Chicago, October 1988. See Also: Catherine S. Chilman: "Adolescent Sexuality in a Changing American Society: Social and Psychological Perspectives," NIH Publication # 80-1426, Washington DC US Gov. Publications, 1980. See Also: L.E. Hendricks, D.P. Robinson, and L.E. Gary, "Religiosity and Unmarried Black Adolescent Fatherhood," *Adolescence*, Vol. 19, (1984), pp. 417-424. See also: David Larson et al. "The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects," *National Institute for Healthcare Research*, Rockville MD. 3..#3840

¹² Protecting Adolescents from Harm, Findings From the National Longitudinal Study on Adolescent Health JAMA, Vol. 278 (Sept. 1998), pp. 823-832.

¹³ Carolyn Tucker Halpern, J. Richard Udry, Benjamin Campbell, Chirayath Suchindran and George A. Mason, "Testosterone and Religiosity As Predictors of Sexual Attitudes and Activity Among Adolescent males: A Biosocial Model," *Journal of Biosocial Science*, Vol. 26 (1994), pp. 217-234.

part of God's will for them.¹⁴ The implication is clear – personal religious worship has a strong influence on the decisions that adolescents make regarding their sexual activity.

Insert Chart 3...Testosterone, Virginity and Religious Woship

While personal religious practice is strongly associated with adolescent sexual abstinence, so too does the absence of religious practice accompany premarital sexual involvement.

The connection between the absence of personal religious worship and irresponsible adolescent sexual behavior is illustrated by numerous studies,¹⁵ including a Heritage Foundation analysis National Longitudinal Survey of Youth.

Insert Charts 4 and 5 ...Young Adult Males and Females: Virginity and Worship

Research on adults further confirms the connection between lack of religious practice and high-risk sexual behavior. For example, never-married and divorced adults who have no religious affiliation are likely to have multiple sex partners at rates 2.1 and 3.4 times greater than those who have a religious affiliation.¹⁶ These differences play out in higher rates of sexually transmitted diseases, of which there are now eight at epidemic levels, six of them not curable.¹⁷

Again, the absence of religious practice is strongly associated with high-risk sexual behavior that too often ends in adolescent pregnancy. For example, young women who do not worship much and who lose their virginity early are more likely to have multiple “sex-partners”.¹⁸ Additionally, researchers have found that the earlier a girl loses her virginity, the more likely she is to become pregnant. Further, the same researchers found that among adolescent girls that do lose their virginity, one in five becomes pregnant as a adolescent.¹⁹ The moral is obvious: not only does the absence of personal religious practice often lead to adolescent sexual activity, but also to adolescent pregnancy.

The Positive Effects of Peers Who Practice Their Religious Beliefs

Personal religious practice is only one religious variable that affects adolescent sexual activity. The religious practices of peers also significantly affect rates of adolescent sexual activity. In the same way that personal religious practice provides a moral compass for adolescents, religious peers act as a community that reinforce healthy decisions regarding sexual

¹⁴ Alan Carlson, editor of Family in America, Digital Archive, The Howard Center, Rockford IL commenting on: Emogene Fox and Michael Young, “Religiosity, Sex Guilt, and Sexual Behavior Among College Students,” *Health Values*, vol. 13, (1989), pp. 32-37.

¹⁵ The following studies are cited in Beck et al (infra) H.T. Christensen and L.B.Johnson: “Premarital Coitus and the Southern Black: A comparative view.” *Journal of Marriage and the Family*, vol. 40, (1978), pp. 721-731. See Also: Stephen R. Jorgensen and Janet S. Sonstegard, “Predicting adolescent sexual and contraceptive behavior: An application and test of the Fishbein model,” *Journal of Marriage and the Family*, vol. 46, (1984), pp. 43-55. See Also: F. L. Mott, “The Patterning of Female Teenage Sexual Behaviors and Attitudes.” Paper presented at the 1983 Annual Meeting of the American Public Health Association, Dallas TX November 1983. See Also: J.M. Studer and A. Thornton: “Adolescent religiosity and contraceptive usage,” *Journal of Marriage and the Family*, vol. 47, (1985), pp. 381-395.

¹⁶SN Seidman, WD Mosher and SO Aral, “Women with Multiple Sexual Partners: United States” *American Journal of Public Health*. Vol. 82, (1988), pp.1388-1394. David Larson et al. “The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects”, National Institute for Healthcare Research, Rockville MD. 3..#4500

¹⁷ Thomas P. Eng and William T. Butler, “The Hidden Epidemic – Confronting Sexually Transmitted Diseases,” Washington DC, Institute of Medicine, National Academy Pres, 1997.

¹⁸ JK Cochran and L Beeghley, “The Influence of Religion on Attitudes Towards Non-marital Sexuality: A Preliminary Assessment of Reference Group Theory,” *Journal for the Scientific Study of Religion*, Vol. 30 (1991), pp. 45-62. See Also: David Larson et al. “The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects”, *National Institute for Healthcare Research*, Rockville MD. 3..#3420

¹⁹ “Protecting Adolescents from Harm,” Findings From the National Longitudinal Study on Adolescent Health, *JAMA*, Vol. 278 (Sept. 1998), pp. 823-832.

activity. This positive community reinforcement by religious peers has a tremendous impact on the sexual behavior of adolescents.

Both for better and for worse, peer attitudes impact the rates of sexual activity among adolescents. For example, a Utah State University team²⁰ found that peers have a profound impact on rates of virginity.

Insert Chart 6... Peers, Religious Worship, Sexual Initiation and Virginity

It is clear that peer attitudes impact the rates of sexual activity among adolescents. For example, "Best Friends" is a peer-based that teaches abstinence with great success. Only 1% of program participants became pregnant and 90% have remained sexually abstinent for TK (length). This success – among adolescents from inner city environments where the overall adolescent *pregnancy* rates range from 80% to 90%²¹ – is a testament to the power that religious peer attitudes can have on rates of adolescent sexual activity.

A research team in Philadelphia recently found the same: the attitudes of peers strongly influence the choices adolescents make regarding sexual activity. The Philadelphia researchers found that early sexual intercourse does not happen spontaneously; rather peers' patterns of dating, premarital sex, and church attendance accurately predict the loss of virginity among young women.²² Similar results were found in a 1985 study. The study found a strong connection between adolescents' frequency of church attendance and their attitudes on sexual permissiveness. In addition, the study found a connection between adolescents' judgment of their friends' sexual behavior and their own sexual permissiveness.²³

"True Love Waits", a faith-based program, also illustrates the good influence of religious peers: since 1994 more than 2.4 million adolescents, mainly Baptists, between 15 and 19 have pledged to remain sexually abstinent until marriage.²⁴ The ripple effects are showing up in federal national surveys – according to the National Longitudinal Survey of Adolescent Health nearly 16% of adolescent girls and 10% of adolescent boys have made such pledges.²⁵ When adolescents pledge abstinence till marriage they are much more likely to delay intercourse.²⁶ Elayne Bennett, President of Best Friends, reports that of all the girls in the Best Friends program who pledge to delay first sexual initiation, 90% intend to stay abstinent until marriage.²⁷

Insert Chart 7... Age of First Intercourse and Early Lifetime # of Partners

These peer effects show up among adults also, even in very secularized societies: The positive impact that religious peers can have is further demonstrated by a finding from Sweden.

²⁰ E. Jeffrey Hill, Brent C. Miller, Maria C. Norton, Margaret H. Young, "Religiosity and Adolescent Sexual Intercourse: Reciprocal Effects," Utah State University, unpublished, (Unpublished paper received from the National Campaign to Prevent Teen Pregnancy).

²¹ David R. Rowberry, "An Evaluation of the Washington DC Best Friends Program Univ, Ph. D. Dissertation," University of Colorado, 1995.

²² Sara B. Kinsman, Daniel Romer, Frank F. Furstenberg, and Donald F. Schwarz, "Early Sexual Initiation: The Role of Peer Norms," *Pediatrics*, Vol. 102 No. 5 (November 1998), pp. 1185-1192.

²³ SV, Brown, "Premarital Sexual Permissiveness Among Black Adolescent Females," *Social Psychology Quarterly*, Vol. 48, (1985), pp.381-387.

²⁴ "1998 True Love Waits Report on Sexual Abstinence" True Love Waits, 127 Ninth Ave North, Nashville, TN 37234-0152.

²⁵ "Protecting Adolescents from Harm," Findings From the National Longitudinal Study on Adolescent Health JAMA, Vol. 278 (Sept. 1998), pp. 823-832.

²⁶ Resnik et al., "Protecting Adolescents from Harm," Findings From the National Longitudinal Study on Adolescent Health, JAMA, Vol. 278 (Sept. 1998), pp. 823-832.

²⁷ ~~TK - I called them. Left a message. I will call back~~

A study from Stockholm, Sweden found that the more numerous practicing Christians were in a neighborhood, the lower the rates of divorce, abortion, and children born out-of-wedlock, not just among these practicing Christians but also among their secular neighbors.²⁸ This makes perfect sense – individuals supported by a community of peers with strong moral values are more likely to make good choices.

The Positive Effects of Family Religious Practice on Adolescent Sexual Behavior

Family religious practice is another potent factor in discouraging irresponsible adolescent sexual activity. Parents have great influence on their children's sexual decision making.²⁹ They influence their adolescent offspring in many ways: through their level of religious worship, through the family life they construct for their children, and through the intactness of their marriage.

Family religious practice deters sexual activity among adolescents. As chart 8 below from the National Longitudinal Study of Adolescent Health illustrates, the religious worship of parents is powerfully linked to the sexual behavior of their children. There is a very high connection between a father's religious practice and his children's virginity, slighter greater even than the strong connection between a mother's religious practice and her children's virginity. When both parents worship, the relationship is magnified. There is a powerful, positive relationship to their children's sexual activity.³⁰ For those looking for the most effective way to reduce adolescent pregnancy, the implication is clear – support and encourage religious life among families.

Insert Chart 8 Parental Worship and their Teens Virginity

Given this description of how family religious life affects adolescent sexuality it is not surprising that a sex-education program based on combining mothers and daughters in a faith-based program almost totally eliminated out-of-wedlock births among the high-risk, single parent population that partook of the program.³¹

Religious families are more likely to encourage sexual abstinence – and this has an effect on the sexual behavior of adolescents. When parents hold strong opinions on sexual abstinence and make sure their children know that, adolescents maintain their virginity much more and become pregnant a lot less frequently.³² Conversely, adolescents who lose their virginity early are seven times more likely to have parents who approve of premarital intercourse than are

²⁸ Nicholas Berggren, "Rhetoric or Reality? An Economic Analysis of the Effects of Religion in Sweden," *Journal of Socio-Economics*, Vol. 26 (1997), pp. 571-596 from The Howard Center, Rockford IL Digital Archive.

²⁹ Brent C. Miller, "Families Matter: A research synthesis of family influences on adolescent pregnancy research," National Campaign to Prevent Teen Pregnancy, Washington DC, 1998.

³⁰ In the NSL Ad Health the only question for father's worship is whether he had worshipped in the last four weeks. Given the pattern already discernable between the level of parental worship and other outcome it seems safe to predict that the father who worships weekly will have a still greater protective impact on the virginity of his children.

³¹ This study, "Fertility Appreciation for Families" involved a matched control design. It is an unpublished, but peer reviewed paper. Available from: Family of the Americas, P.O. Box 1170 Dunkirk, MD 20754.

³² Michael D. Resnick, Peter S Bearman, Robert W. Blum, Karl E. Bauman, Kathleen M. Harris, Jo Jones, Joyce Tabor, Trish Beuhring, Renee E. Sievin, Marcia Shew, Marjorie Ireland, Linda H. Bearinger and J Richard Udry: "Protecting Adolescents from Harm: Findings from the National Longitudinal Study on Adolescent Health" *JAMA*, (Sept. 1998), pp. 830.

adolescents who remain virgins.³³ After reviewing the recent National Longitudinal Study of Adolescent Health data, Professor Resnik of North Carolina University (TK) Medical School also concludes that for American adolescents in the 1990's: "Significant family factors associated with delaying sexual debut include ... parental disapproval of their adolescent's using contraception."³⁴

Religious Practice, Parental Marital Stability and Teen Sexual Activity.

In addition to the direct influence family religious practice has on adolescents, family religious practice also increases parental marital stability, and this marital stability in turn has its own independent good effect on levels of adolescent sexual activity.

The positive effects of the quality of the parents' marriage on teenage sexual behavior can be seen most clearly in the negative effects of its absence.

Insert Charts 9 ... Family Structure and Teen Virginity

The divorce of parents adds to the probability of adolescent out-of-wedlock pregnancies.³⁵ In 1993, the University of Wisconsin reported on a nationally representative sample survey of 2,441 white women and 1,275 black women. The research team found strong evidence linking the birth of out-of-wedlock children to a "change in family structure" while growing up, while controlling for the usual variables of income and education.³⁶ Adolescents in "high crime areas" who lost their virginity early had experienced an average of two transitions in their parents' family life (i.e. separation/divorce and a "re-partnering" by their parents).³⁷ By contrast most virgins had no such family transitions in their lives. Only 18% of all adolescents who lost their virginity early were from intact families.³⁸

Complementing this finding, and yielding an easy rule of thumb, Brent Miller of Utah State University and his colleagues have found that the rate of adolescent pregnancy increased by 33% for each change in parents' marital status while the child was growing up.³⁹

The research on the impact of the family practice of religion on adolescent pregnancy clearly shows that strengthening the marriage of the parents, and the family practice of religion increases and prolongs adolescent virginity. Family religious practice fosters marital stability, and the stability of the family structure affects the rates of adolescent virginity, as the following chart reveals:

³³ ES Herold and MS Goodwin, "Adamant Virgins, Potential Non-virgins and Non-virgins," *The Journal of Sex Research*, Vol. 17, (1981), pp. 97-113. Reported in David Larson et al. "The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects", National Institute for Healthcare Research, Rockville MD. 3. Report #3860.

³⁴ Resnik et al., "Protecting Adolescents from Harm," Findings From the National Longitudinal Study on Adolescent Health *JAMA*, Vol. 278 (Sept. 1998), pp. 823-832.

³⁵ Elise F. Jones, et al, "Teenage Pregnancy in Developed Countries: Determinants and Policy Implications," *Family Planning Perspectives* vol. 17:2, (March/April 1985), pp. 53-63. See Also: Arland Thornton and Donald Camburn, "Religious Participation and Adolescent Sexual Behavior and Attitudes," *Journal of Marriage and the Family* Vol. 51 (August 1989), pp. 641-653. See Also: Renata Forste, Tim B. Heaton, "Initiation of Sexual Activity Among Female Adolescents," *Youth and Society*, Vol. 19, (1988), pp. 250-268.

³⁶ Lawrence L. Wu, "Effects of Family Instability, Income and Income Instability on the Risk of a Premarital Birth" *American Sociological Review*, Vol. 61, (1996), pp. 386-406.

³⁷ Close to 25% now lose their virginity before age 15

³⁸ Deborah M. Capaldi, Lynn Crosby and Mike Stoolmiller, "Predicting the Timing of First Sexual Intercourse for At risk Adolescent Males," *Child Development*, Vol. 67, pp. 344-359.

³⁹ Brent C. Miller, et al... "The Timing of Sexual Intercourse Among Adolescents: Family, Peer, and Other Antecedents," *Youth and Society*, Vol. 29 (1997), pp. 54-83.

Insert Chart 10 ... Family Structure and Frequency of Religious Worship

Further the stable home life that is nurtured by the family practice of religion enhances the ability of parents to transmit their religious beliefs and practices to their children.⁴⁰ This results in a greater commitment to religious worship among adolescents, which in turn also reduces the rate of adolescent sexual activity.

The scientific literature repeatedly shows that parents' levels of religious belief and practice clearly influence their own marital stability, happiness and satisfaction.⁴¹ Researchers back in the 1950's found that couples with long-lasting marriages frequently explained that the practice of religion was the reason for their marital happiness.⁴² In the early 1980's Professors Nick Stinnet of the University of Alabama and John DeFrain of the University of Nebraska came to the same conclusion while studying strong families: 84 percent of these families identified religion as an important contributor to the strength of their family life,⁴³ and more recent systematic reviews of the research literature confirm that church attendance is the best predictor of marital stability.⁴⁴

Regular church attendance, rather than the doctrinal teaching on marriage, seems to be the critical factor in marital stability across denominations. For instance in the 1960's, black Protestants in the South and white Catholics in Massachusetts had similarly low divorce rates, and similarly high church attendance rates, though they held to very different doctrines on the indissolubility of marriage.⁴⁵ Even when marital separation occurs, the level of worship by each spouse has its effects: The reconciliation rates are higher among regular church attendees, and are highest when both separated spouses have similar high levels of church attendance.⁴⁶

Further, couples who have some religious belief are less likely to file for divorce. In a study at California State University, sociologists Jerry S. Moneker and Robert P. Ranken analyzed records for couples who filed for divorce in California between 1966 and 1971, and found that "couples who report no religious affiliation appear to be at greatest risk of early filing for divorce."⁴⁷

In addition, sharing the same religious faith helps even more. There is a higher likelihood of marital dissolution where the spouses differ in their religious preferences. Mormon couples on the one hand and partners with no religious identification on the other, have the most and the least stable marriages respectively.⁴⁸ Conversely, those who switch partners most are

⁴⁰ Scott M. Myers, "An Interactive Model of Religiosity Inheritance : The Importance of Family Context," *American Sociological Review*, Vol. 61, (1996), pp. 858-866.

⁴¹ RA Hunt and MB King, "Religiosity and Marriage," *Journal for the Scientific Study of Religion*, Vol. 17 (1978), pp.399-406..... David Larson et al. "The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects," National Institute for Healthcare Research, Rockville MD. 3..#3920.

⁴² Lee G. Burchinal, "Marital Satisfaction and Religious Behavior," *American Sociological Review*, Vol. 22, (January 1957), pp. 306-310. See Also: MJ Sporkowski and GA Hughston, "Prescriptions for Happy Marriage: Adjustments and Satisfaction of Couples Married for 50 years or more," *The Family Coordinator*, vol. 27 (1978), pp. 321-328. Also See: David Larson et al. "The Faith Factor: An annotated Bibliography Of Clinical Research on Spiritual Subjects," National Institute for Healthcare Research, Rockville MD. 3 p.149..#4660

⁴³ Nick Stinnet, G. Saunders, John DeFrain, and A Parkhurst, "A Nationwide Study of Families Who Perceive Themselves as Strong," *Family Perspective*, vol. 16 (1982), pp 15-22.

⁴⁴ David B. Larson, Susan S Larson and John Gartner, "Families, Relationships And Health," in Danny Wedding Ed., *Behavior And Medicine*, Mosby Year Book, Baltimore, 1990.

⁴⁵ Wesley Shrum, "Religion and Marital Instability: Change in the 1970s?" *Review of Religious Research*, Vol. 21 (1980), pp. 135-147.

⁴⁶ David B. Larson: "Religious Involvement" in G.E. Rekers (ed), *Family Building*, Regal, Ventura, CA 1985, pp. 121-147.

⁴⁷ Jerry S. Moneker and Robert P. Ranken, "Religious Homogamy and Marital Duration Among Those Who File For Divorce in California, 1966-1971," *Journal of Divorce and Remarriage*, vol. 19 (1993), pp. 233-246. ...From "Family In America" Digital Archive, The Howard Center, Rockford IL.

⁴⁸ Evelyn L. Lehrer and Carmel U Chiswick, "Religion as a determinant of marital stability," *Demography*, Vol. 30 (1993), pp. 385-403.

those with no religious convictions, according to a 1993 national survey of 3,300 men between the ages of 20 and 39.⁴⁹

Cohabitors, who are at higher risk of divorce after marriage, are less likely to worship, and so too are their parents. In 1992 Arland Thornton, of the Institute of for Social Research, at the University of Michigan reported: "The cohabitation rate is seven times higher among persons who seldom or never attend religious services compared to persons who frequently attend. ... Women who attended religious services once a week were only one-third as likely to cohabit as those who attended church services less than once a month.... [and if] the mother frequently attended religious services, both sons and daughters were only 50 percent as likely to cohabit as adult children whose mothers were not actively religious."⁵⁰

The link between stable home life and family practice of religion has been demonstrated repeatedly. For example, "Middletown", one of the classic sociological research projects of the century, studied the lives of inhabitants of a typical American town, first in the 1920s and for the third time in the 1980s. Howard Bahr and Bruce Chadwick, professors of sociology at Brigham Young University, drawing on all three waves of survey data, concluded that: "There is a relationship between family solidarity -- family health if you will -- and church affiliation and activity. Middletown [church-going] members were more likely to be married, remain married and to be highly satisfied with their marriages and to have more children. ...The great divide between marriage status, marriage satisfaction and family size is ... between those who identify with a church or denomination and those who do not."⁵¹

Professor Arland Thornton of the University of Michigan, one of the nation's premier family sociologists, found the same strong inter-generational transmission of religious belief and practice among Detroit families that Bahr and Chadwick had found in the Middletown studies. He concluded: "These data indicate a strong intergenerational transmission of religious involvement. Attendance at religious services is also very stable within generations across time."⁵²

In summary, decreased religious belief and worship serves, in aggregate, to decrease marital stability and happiness; parental marital instability and breakup and transitions to new partner arrangements lead to an increase in sexual activity among teenage children. Thus religion, by protecting marriages of parents, serves further to protect the virginity of their children.

COST SAVINGS

Even in purely utilitarian terms the cost benefit savings to society from the regular practice of religious worship are extraordinarily high. The cost to society from the breakdown of marriage is substantial. According to one federal estimate, the cost of "faltering child

⁴⁹ J.O. Billy, K. Tanfer, WR Grady, and D.H. Klepinger, "The sexual behavior of men in the United States," *Family Planning Perspectives*, Vol. 25 (1993), pp. 52-60.

⁵⁰ A. Thorton, W. Axxinn, and D.Hill, "Reciprocal Effects of Religiosity, Cohabitation, and Marriage," *American Journal of Sociology*, Vol. 98 (1992), pp. 628-651.

⁵¹ Howard M. Bahr, Bruce A. Chadwick, "Religion and Family in Middletown, USA" *Journal of Marriage and Family*, May 1985 pp. 407- 414.

⁵² Arland Thornton, and Donald Camburn, "Religious Participation and Adolescent Sexual Behavior and Attitudes," *Journal of Marriage and the Family* Vol. 51, (August 1989), pp. 641-653.

development” approaches \$1 trillion a year.⁵³ Much of that cost, and much of the “faltering child development” is related to teenage pregnancy and its aftermath.

From the charts presented it is clear that at a national level, for teenagers, there is a 50 percent higher level of virginity when religious worship is more frequent than once per week, and over 30 percent higher when it is weekly, when compared with those who do not worship at all. Furthermore the difference in frequency of intercourse and in numbers of partners for these two groups is in the order of 300 percent. With the public cost of out of wedlock births running at \$150,000 per child the purely utilitarian savings from reduced out of wedlock births places the public and the public purse in great indebtedness to the practice of religious worship.

When the cost of STDs, of reduced education and income are added to this, the total cost mounts much higher. When the human suffering of increased divorce in later years is added the costs mount yet higher again. And when the intergenerational impact on the next generation’s level of teenage intercourse and its sequelae are added the total mounts yet more.

WHAT CONGRESS CAN DO:

- 1 Congress should expand Charitable Choice coverage to Title V, abstinence education program funding. Given the research on the effect of religious worship and family religious practice, it makes sense to reach out to faith-based organizations that have a community base and credibility in teaching abstinence and an ability to reach parents in their community in a manner that is credible. This expansion of charitable choice is clearly an outreach to a set of institutions that can deliver a major public good, an increase in teenage sexual abstinence, likely better than any other set of institutions can.
- 2 Congress should direct the Government Accounting Office (GAO) or the Office of Planning and Evaluation in HHS to estimate the direct and indirect reduction in health costs for teenagers under age 18 expenditures by federal, state and local governments, that stems from regular religious worship and its relationship to out of wedlock births, STDs and abortions.
- 3 Congress should ensure that the public is informed of the benefits of religious practice, and close family relationships in promoting adolescent sexual control. The natural vehicle for this would be “Public Service Announcements” on television. Liberals have already set the precedent for this at the state level. When some states did not want to fund direct abstinence education for teenagers in the classroom they used the abstinence money instead to conduct public education, including television public service announcements.
- 4 Congress should fund public service announcements that inform parents that their opposition to their children being sexually involved, and their opposition to their children using contraceptives, has a powerfully protective influence on the behavior of their adolescents. Most adolescents take their parents attitudes and wishes into account in deciding on their sexual behavior.

⁵³Lackqueline L. Teague, Judy Thorne, Heather B. Luckey, and Thomas J. Hoeger, “Social Costs of Faltering Child Development, Final Report,” prepared by the Research Triangle Institute for the Centers for Disease Control, April 1999.

CONCLUSION:

There is no doubt that high levels of religious worship is very much in the public good. What George Washington applied to the nation as a whole in his 'Farewell Speech To The Nation' is advice for policy makers two centuries old but now confirmed by modern social science:

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labor to subvert these great Pillars of human happiness -- these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

Chart 1 Percent Female Adolescents Having First Intercourse By Age 15 Or Younger
National Survey of Family Growth, Relevant Years

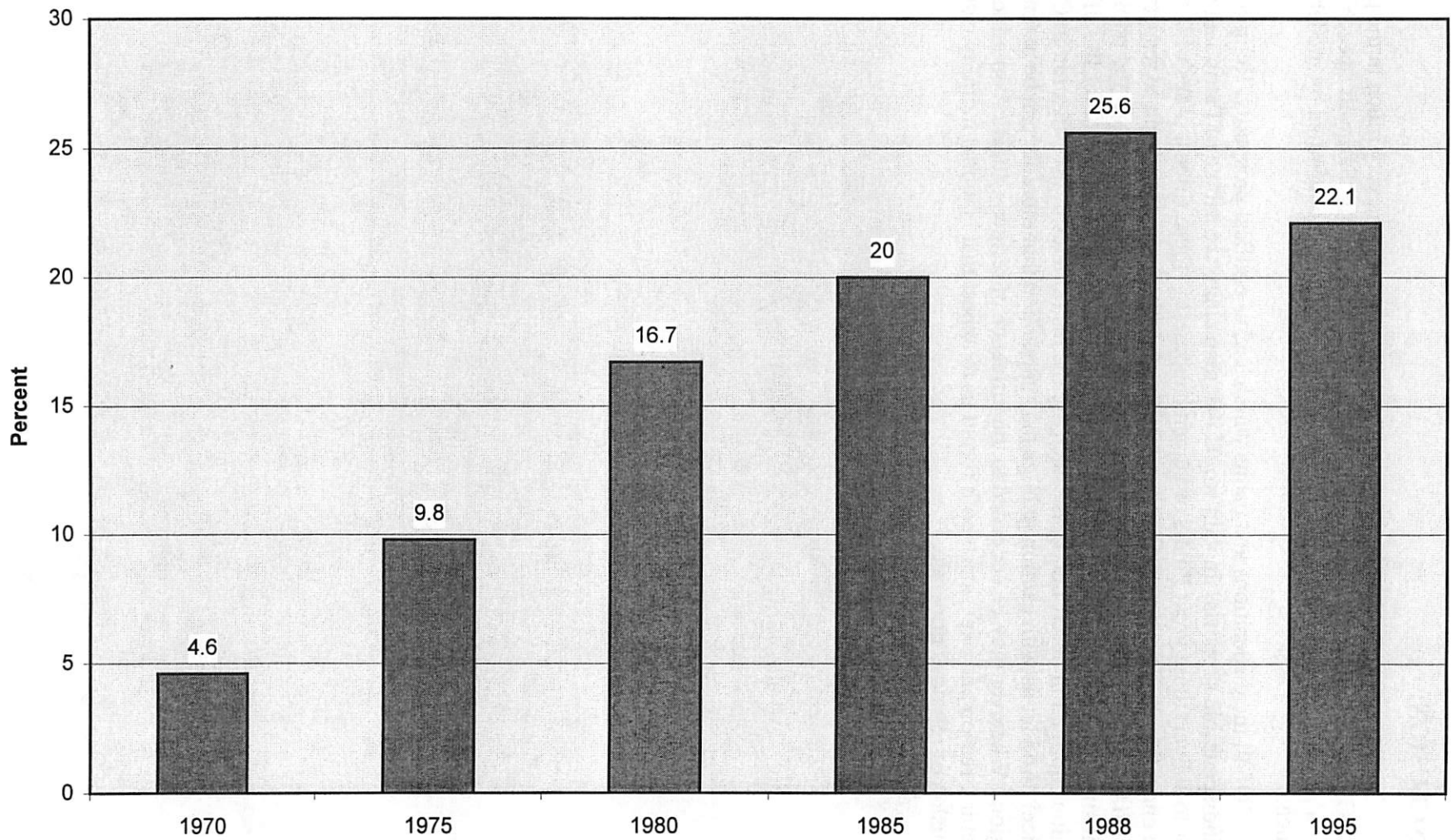
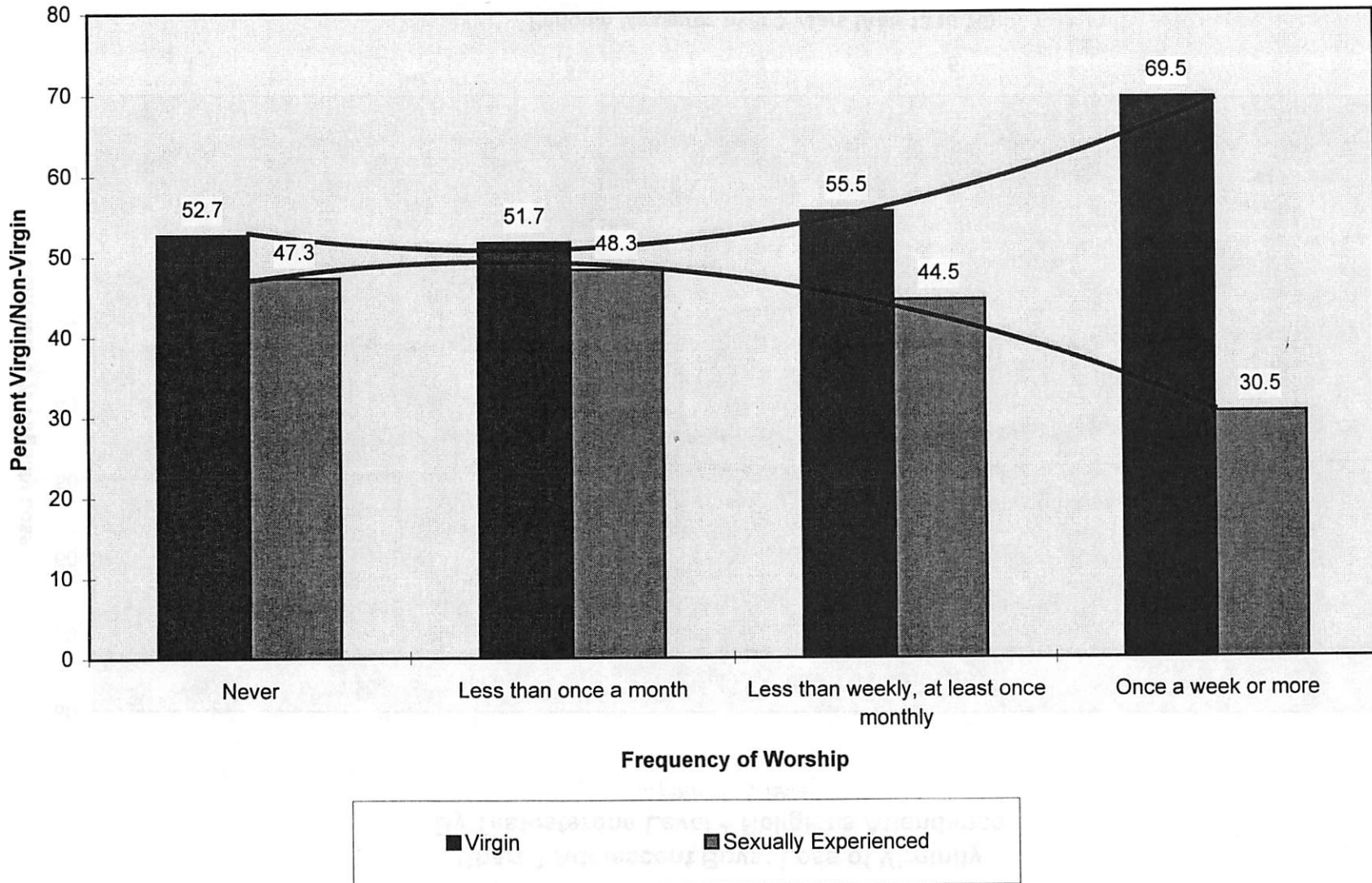
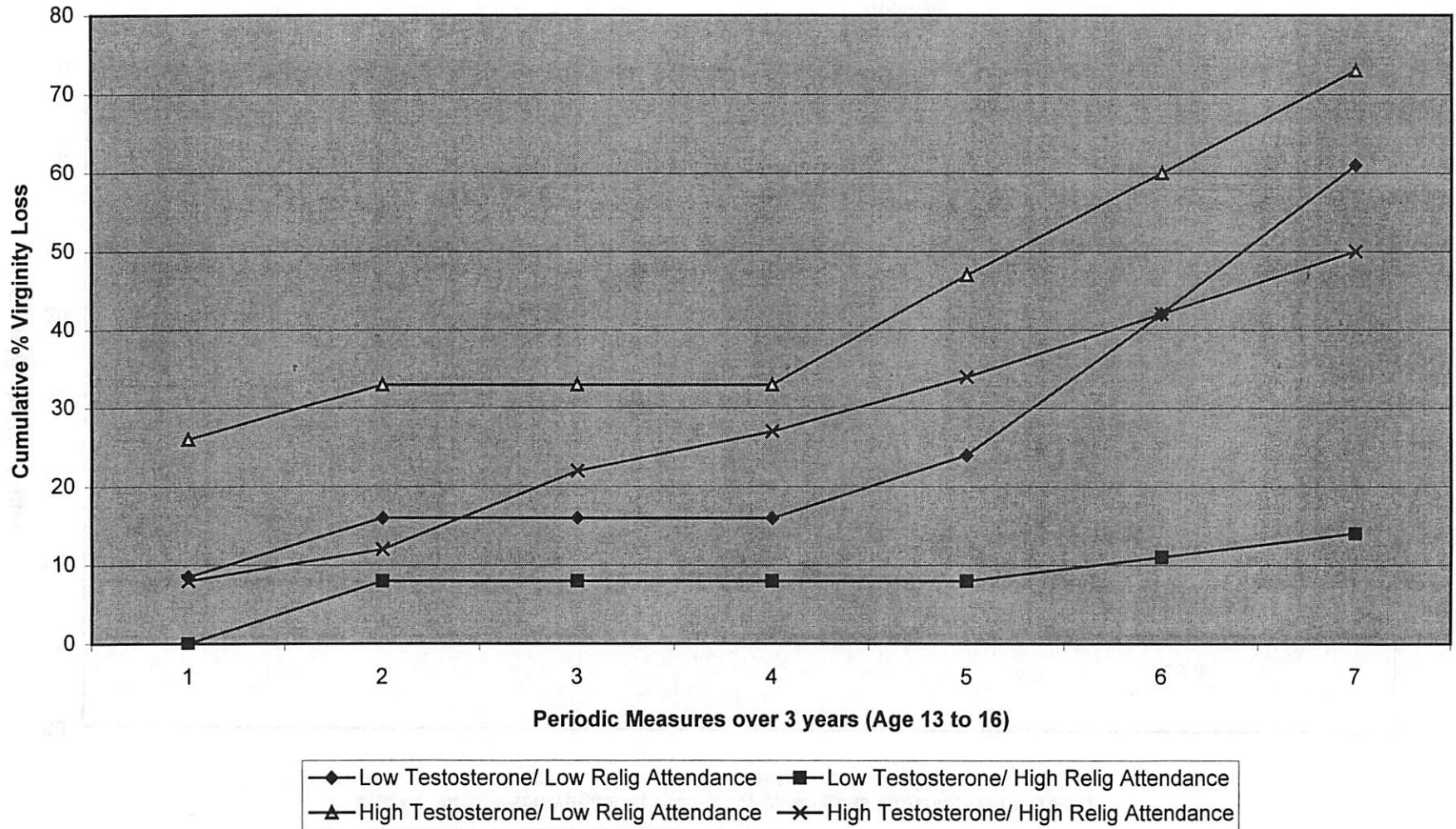


Chart 2 Virgins/Non-Virgins By Frequency of Religious Worship, Teens (12-17)
NLS Add Health, Heritage Foundation Calculations



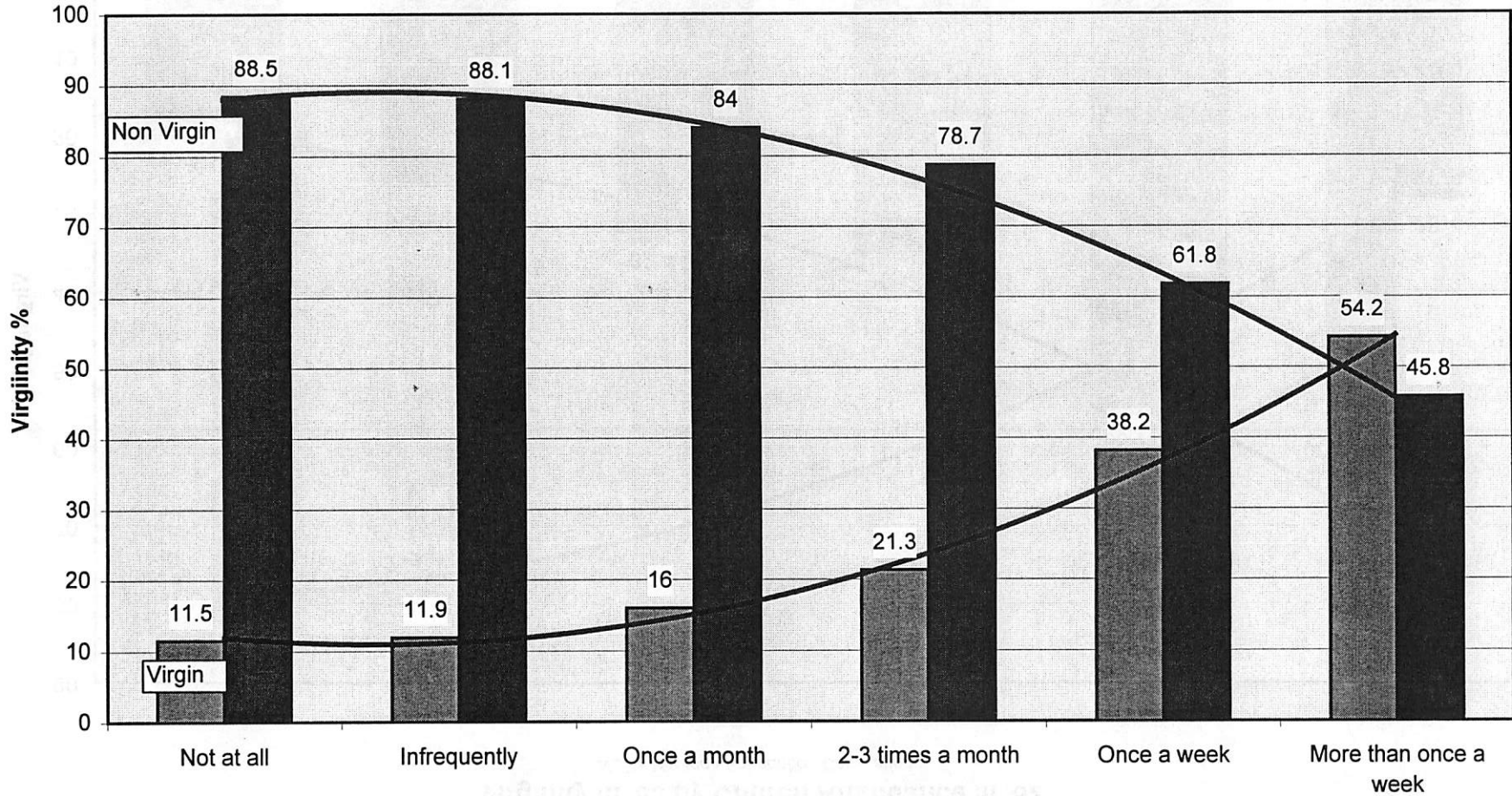
**Chart 3 Adolescent Boys: Loss of Virginity
By Testosterone Level + Religious Attendance**

Halpern et al, 1994



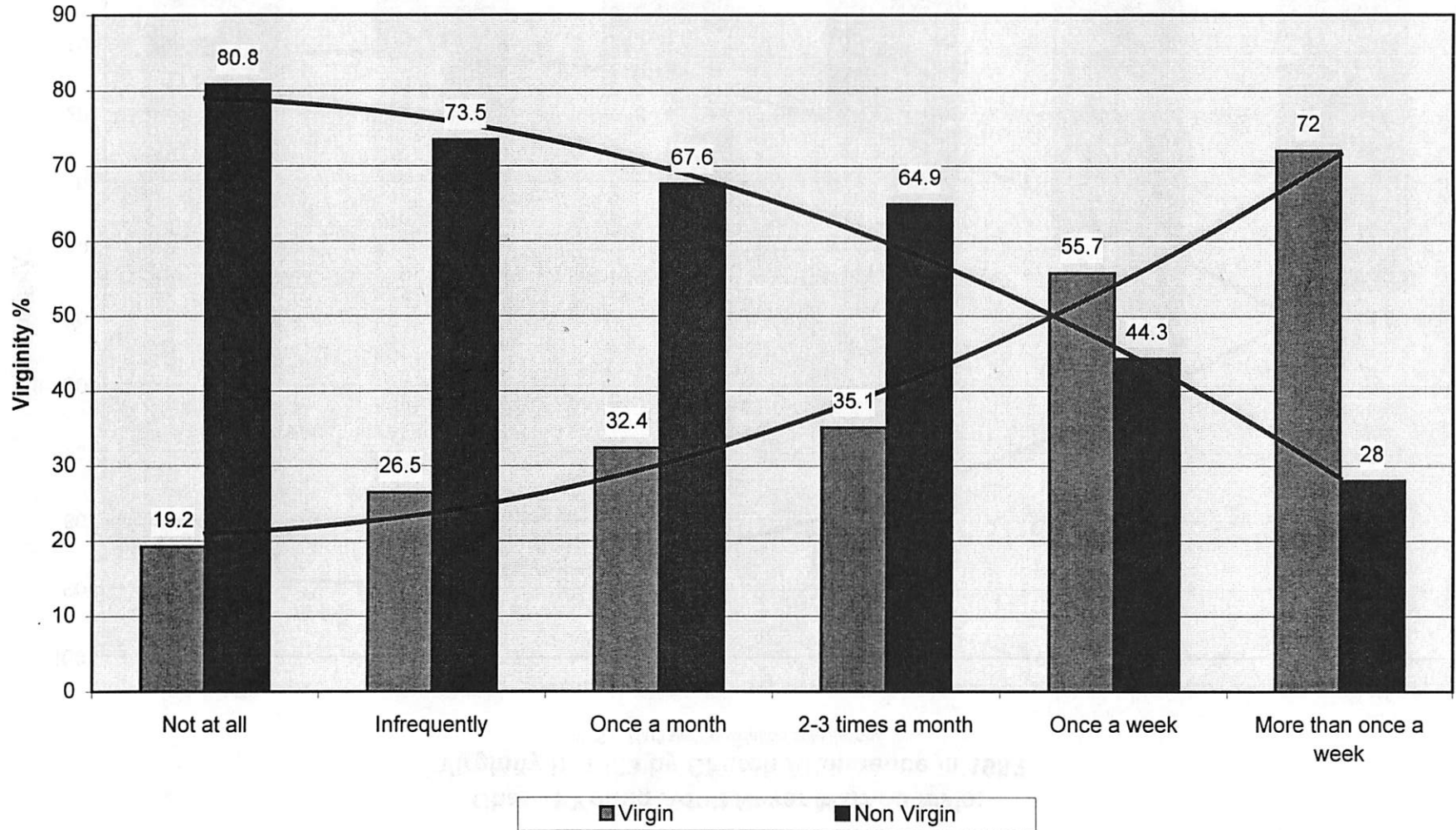
**Chart 4 Young Adult Never Married Male:
Virginity in 1983 by Church Attendance in 1982**

NLSY Heritage Foundation calculations



**Chart 5 Young Adult Never Married Females:
Virginity in '83 by Church Attendance in '82**

NLSY Heritage Foundation Calculations



**Chart 6 Percent of Sexually Active 16 Year Olds:
Influence of Friends and Personal Worship**

Source :E Jeffrey Hill et al

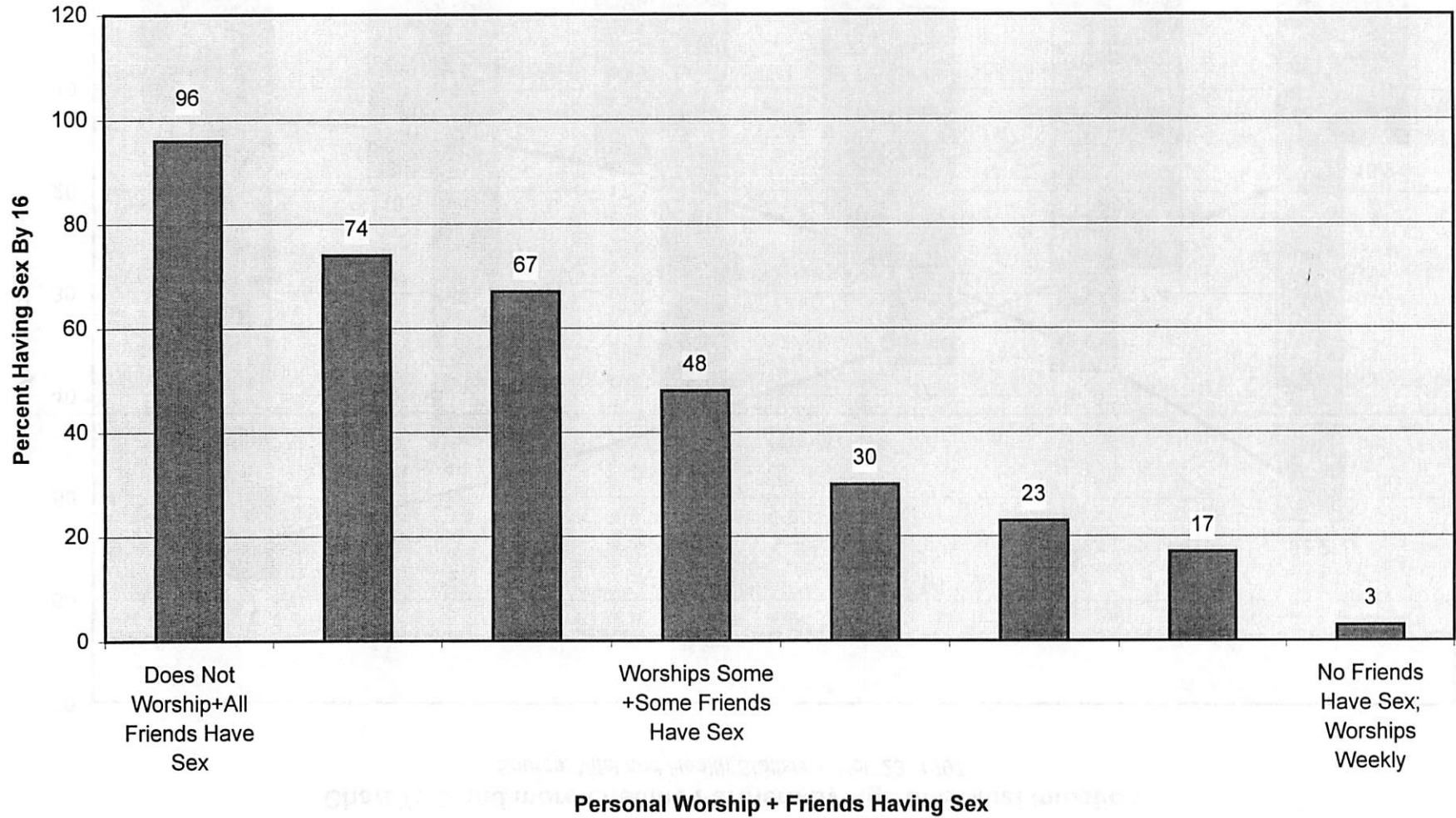


Chart 7: 5 and more Lifetime Partners by Age of Sexual Initiation

Source: Vital and Health Statistics, Vol. 23, 1997

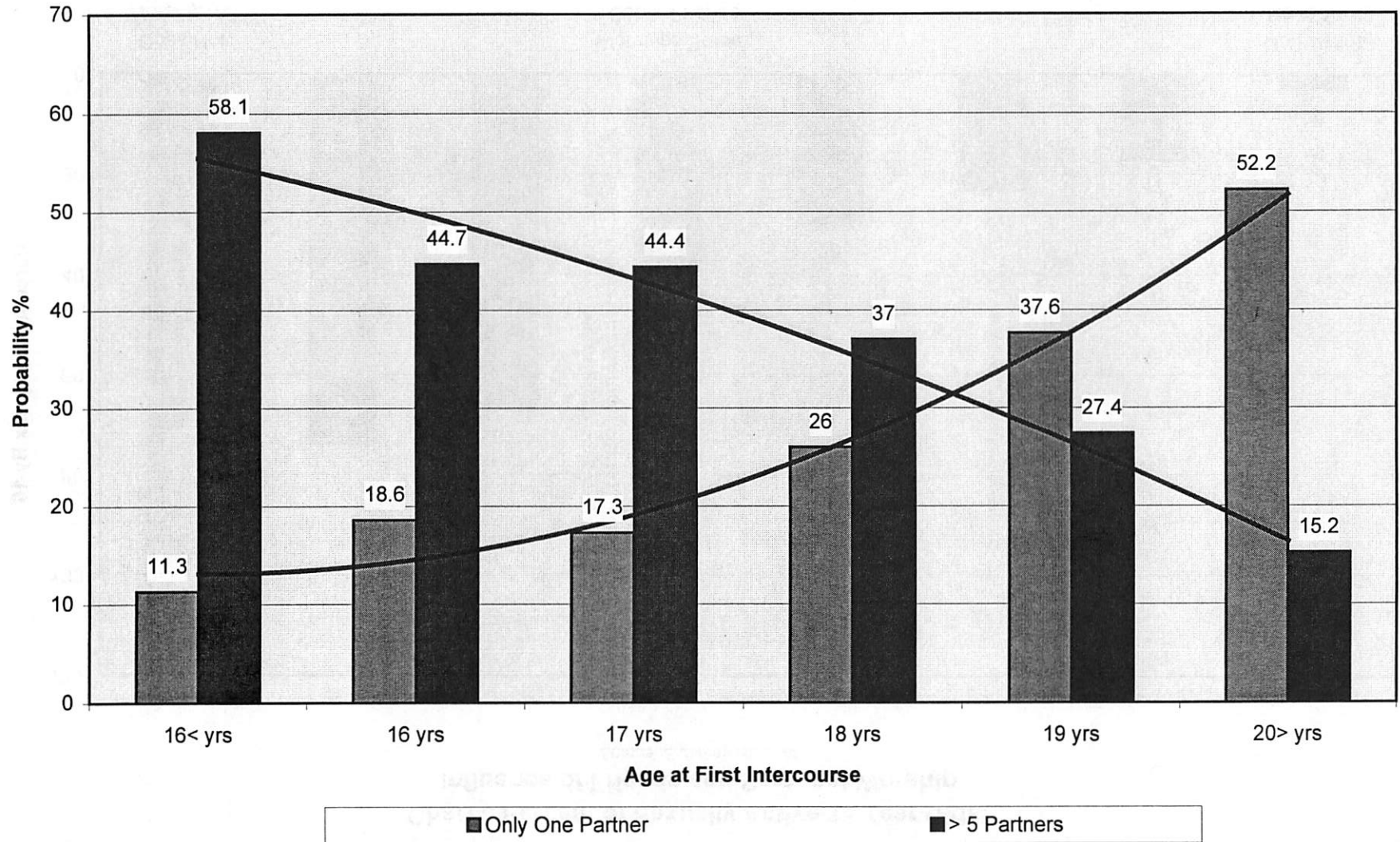


Chart 8 Teenage Virginity by Levels of Parental Worship

Source: NLS of Ad HealthHeritage Foundation calculations

