



Written by [Dave Bohon](#) on March 7, 2011

Parents Under Siege in Global Battle Against State Control of Children

Two recent cases, one in the U.S. and one in Europe, demonstrate the extent to which government is aggressively militating to control and regulate children and families.

In a case that goes all the way back to 2003, the U.S. Supreme Court will listen to arguments to decide whether an Oregon social worker and a deputy sheriff violated the rights of a nine-year-old girl (known in the case as “S.G.”) when they removed her from her elementary school classroom, without a court order or the consent of her mother, and spent the next two hours grilling her about allegations of sexual abuse on the part of her father.



While the girl originally denied that her father had sexually abused her, “she later testified that she was coerced into telling the investigators he had abused her because she thought it was the only way they would allow her to leave,” explained John Whitehead of the [Rutherford Institute](#), a pro-family legal advocacy group that has taken an interest in the case. “The encounter reportedly so scared S.G. that she was physically sick that night and could not eat.”

The girl’s mother subsequently sued the sheriff and social worker, charging that the pair had violated her daughter’s 14th Amendment guarantee against unreasonable search and seizure. In 2009 the case made its way to the U.S. Court of Appeals for the Ninth Circuit, which ruled that the government tag-team had indeed violated the girl’s constitutional guarantees, and further, that their actions at the school had “constituted an unauthorized seizure of S.G., which is not exempt from the Fourth Amendment’s warrant requirement,” noted Whitehead.

The government has appealed the case all the way to the Supreme Court, arguing that the girl’s mere presence at school was sufficient justification for the agents to seize and detain her without her mother’s knowledge or consent — an argument the Rutherford Institute is urging the High Court to reject.

“Our nation’s schools are increasingly being transformed into police states where children are subject to indignities — such as mass, suspicionless searches — and parental rights are largely ignored,” wrote Whitehead in a recent commentary on the case. “Certainly, parents do not forfeit their rights when they send their children to public school.”

Another pro-family legal advocacy group, the [Alliance Defense Fund](#) (ADF), finds itself involved in a case of government abuse of parental rights in Germany, where Christian couple Heinrich and Irene Wiens were fined — and then jailed — after they pulled their kids from public school for four days because they didn’t want the children to see a mandatory sex education play — and take part in the instruction that went along with it — because the material violated the Christian values they were



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trying to teach their children.

According to school officials, the compulsory play, *Mein Körper Gehört Mir* ("My Body Is Mine"), was intended to teach children how to resist sexual abuse. But the couple argued that the play and the school's sex-ed curriculum promoted a permissive view of sex and sexuality that strongly contradicted their Christian beliefs. According to the ADF, the lessons actually "encouraged children to become sexually active by instructing them to observe their inner feelings of sexuality, ultimately teaching that if something feels good sexually, then it is an acceptable practice."

Instead of allowing their children to be subjected to the objectionable lessons, the couple used the four-day moratorium to reinforce the biblically-based values of marriage, family, and sexuality that they had been teaching them all along.

For their audacity in overruling the school and fulfilling their God-given responsibility to look after their children's spiritual welfare, the Wienses were fined a total of €2,340 (approximately \$3,250), which they refused to pay on legal and moral grounds. As a result, each was sent to jail for 43 days, a sentence Heinrich Wiens fulfilled and which Irene is currently serving.

On March 3, ADF attorneys representing the couple filed an emergency order with the European Court of Human Rights (ECHR) in Luxembourg, calling for Irene Wiens' immediate prison release. Last year the ADF had filed an appeal on behalf of both parents, asking the ECHR to uphold both German and European law against the incarceration and fines in violation of parental rights.

"Parents, not the government, are the ones ultimately responsible for making educational choices for their children, and jailing them for standing on this universal right is simply unconscionable," declared ADF attorney Roger Kiska. "Irene Wiens was well within her rights under the European Convention on Human Rights to opt to teach her children a view of sexuality that is in accord with her own religious beliefs, instead of sending them to four days of classes and an interactive play that she found to be objectionable."

Kiska noted that the ADF is defending four similar cases currently before the European high court, and that Irene Wiens is the tenth Christian parent imprisoned for defending their children against an objectionable "mandatory" school curriculum. Ignoring the troubling fact that the German parents have been forced to appeal to a concession of rights listed in an international convention similar to those synthesized by the United Nations, Kiska nonetheless said that the cases represent "crucial battles in the effort to keep bad decisions concerning parental rights overseas from being adopted by American courts."



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