

Conservative legal advocacy group concerned over polygamist case

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WASHINGTON (RNS)—Lawyers for a conservative advocacy group are worried the uproar over allegations of child abuse at a West Texas polygamous sect's compound could entice the courts to overstep their bounds and limit the rights of parents in the general public.

Kelly Shackelford, chief counsel at the [Liberty Legal Institute](#), is concerned that a court, focused on protecting children, could grant the state far-reaching powers to take children away from their parents. He asserts an anonymous phone call, like the one that sparked the raid in Eldorado, could allow anyone with a vendetta to remove children from a parent's home.

The conservative Plano-based group, which specializes in religious freedom issues, filed a brief in the Texas Third Court of Appeals.

"One of the things that separates us from almost any other country in the world is that our children aren't children of the state," Shackelford said. "The most fundamental right is the right of any parent to direct the upbringing and education of their own children."

Government officials can intervene and take a child from its parents "only if they have proof of a compelling safety issue—like sexual abuse," he said.

Law enforcement officials raided the Yearning for Zion Ranch near Eldorado last month after receiving an anonymous call from a female claiming to be a victim of physical and sexual abuse at the ranch. In the days that followed, more than 400 children were removed by state officials

for suspicion of possible abuse by members of the Fundamentalist Church of Jesus Christ of Latter Day Saints.

Shackelford and like-minded advocates believe the dramatic removal of children by law enforcement could influence the courts to create a legal precedent that could limit parents' rights for generations.

And some parents who home-school their children fear they might be among those affected. Tim Lambert, president of the Texas Home School Coalition, said his members have been concerned and have contacted elected officials, fearing the case could weaken their rights to educate their children in their homes.

The Texas Chapter of the American Civil Liberties Union also criticized the state's handling of the incident, stating authorities have "not adequately protected the fundamental rights at stake." The ACLU cited examples such as the separation of parents from children without adequate evidence, as well as court-ordered DNA testing for some children even when their parentage was not in dispute.