



ACLU

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JOE COOK
EXECUTIVE DIRECTOR

May 9, 2007

Michael O. Leavitt
Secretary of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

In a letter dated April 25, 2007, lawyers for the American Civil Liberties Union's Reproductive Freedom Project brought to your attention several abstinence-only-until-marriage materials that violate federal law because they include medically inaccurate information about the effectiveness of condoms in preventing sexually transmitted infections (STIs, sometimes referred to as sexually transmitted diseases or STDs). (See attached.) We are writing to alert you to similar violations in federally funded programs in Louisiana and to ask that you take appropriate steps to remedy this problem.

We have strong reason to believe that many popular abstinence-only-until-marriage curricula used by recipients of federal funding in Louisiana violate the Public Health Services Act (42 U.S.C. § 247b-17(c)(2)). These include *Choosing the Best Path and Way*; *I'm in Charge of the FACTS*; *FACTS and Reasons*. At one time, these curricula were being used by Jericho Ministries, Inc./ Feliciana Family Outreach Center. Like the materials named in the April 25th letter, the curricula used in our state omit vital information about condom effectiveness and contain inaccuracies suggesting that condoms fail to protect against infection, when in fact they are highly effective at doing so. Several examples follow:

I'm in Charge of the Facts (1997) and Facts and Reasons (1997) [LA]

- I'm in Charge of the Facts incorrectly claims that "there isn't an accurate picture yet" of the degree to which condoms protect against HIV. (I'm in Charge, Middle School Handbook at 45).
- Both curricula improperly compare condom failure rates for pregnancy prevention and condom effectiveness for preventing HIV. The curricula suggest that condoms are not effective in preventing pregnancy, and that they are even less effective in reducing the risk of STD infection because the relative size of STD organisms is much smaller than sperm. This claim rests on the inaccurate premise that latex condoms are permeable. (I'm in Charge, Middle School Handbook at 45; I'm in Charge Middle School Curriculum at 101-02; Reasons, Senior High Handbook at 14-15).

Choosing the Best Way (2001)

- Discusses six of the most common STDs without giving any information on the effectiveness of condoms in preventing those diseases. (pp. 26-27)

Choosing the Best Path (2006) and Choosing the Best Life (2006)

(2)

- Both state that condoms reduce the risk of contracting HIV by 85% versus not using a condom at all, which is a correct statement. However, the curricula continue that “15 percent of the risk remains for a life-threatening disease with no cure,” which is not accurate. (Path at 18; Life at 25). The risk of contracting HIV from an infected partner while using a condom is extremely low; for example, one study found that over the course of a one-year period, the rate of infection among couples who always used condoms was 1.14%. And, in a single act of intercourse even without a condom the risk of contracting HIV from an infected partner is between 0.08% and 3%.
- Both curricula note that “[m]any studies show that condoms are not effective in protecting against HPV, the most common viral STD. However, some risk reduction may occur with HPV-related symptoms (e.g. genital warts and cervical cancer).” (Path at 18; Life at 25). While this is largely accurate, the curricula omit that a recent study in the *New England Journal of Medicine* *did* find that correct and consistent use reduced the risk of HPV infection.

Previous editions of *Choosing the Best Path* (2004) and *Choosing the Best Life* (2003) – which may still be in use – contain other inaccuracies, including stating that condoms fail to prevent chlamydia, HPV, or genital herpes. (Path 2004 at 18; Life 2003 at 25).

We are concerned that the above federally supported abstinence-only-until-marriage programs not only violate federal law but also put teens at risk. Evidence shows programs, which teach both abstinence and include complete and medically accurate information about how to effectively use contraceptives, including condoms, can delay sexual activity and increase contraceptive use among teens. We hope that HHS will take this opportunity to closely examine all educational materials currently used by recipients of federal abstinence-only funding and ensure that they comply with federal law. Teens need accurate information about condom effectiveness as well as other vital information about sex and sexuality in order to make healthy choices.

Please do not hesitate to contact us if you would like to discuss this matter further.

Sincerely,

Joe Cook, Executive Director
ACLU of Louisiana