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Spring 2014

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Creating A Marketplace of Children

The Harms of Third Party
Reproduction

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ISBN 0-9785025-1-5



Catawba Casino • Common Core • Marriage Battle • Plan B • Third Party Reproduction



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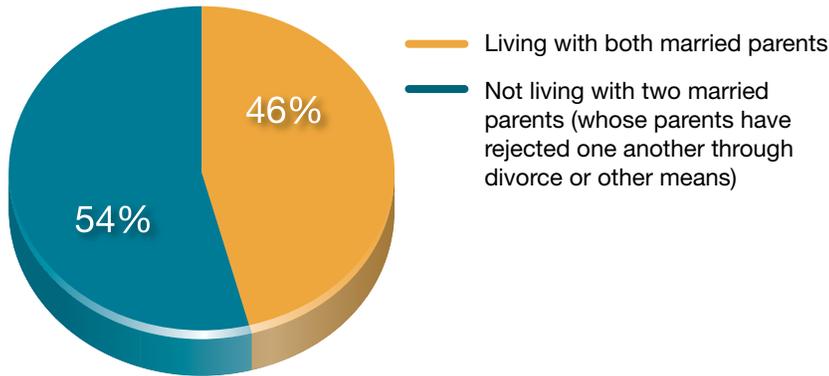
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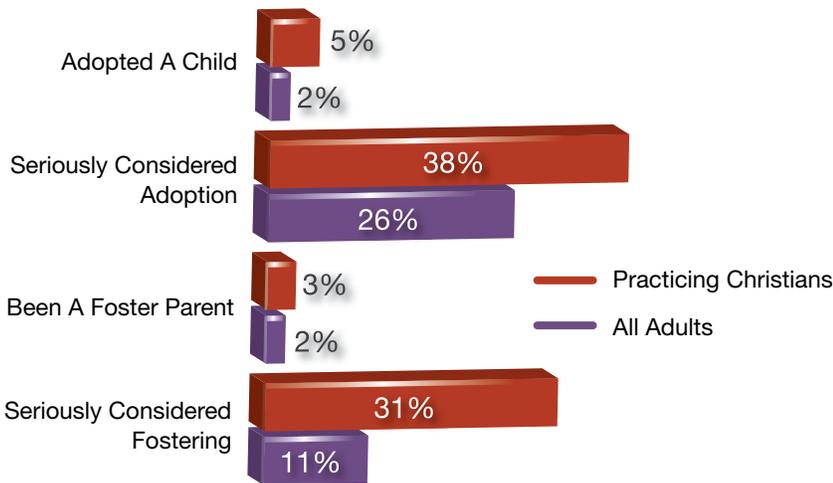
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“Fourth Annual Index of Belonging and Rejection,” Marriage and Religion Research Institute at FRC, February 2014

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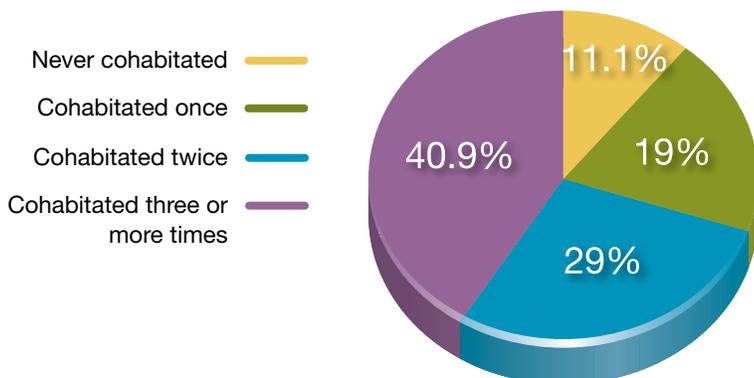
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Barna Group, “Three Trends on Faith, Work and Calling,” 2/11/14

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“Demographics of Women Who Report an Abortion,” Marriage and Religion Research Institute, January 2014

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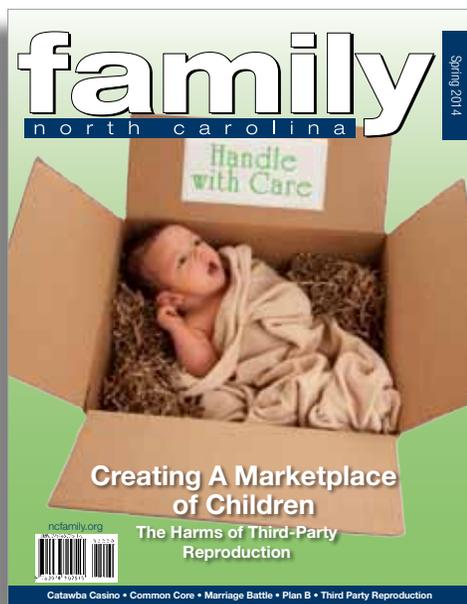
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Internet

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It is often said that “good things come to those who wait,” and for those of us who have been working on this issue of *Family North Carolina* magazine over the past several months, that old adage certainly rings true! One of the many reasons we are excited about the Spring issue is that in addition to the writers our readers have come to know and trust, we are privileged to also include some fresh voices writing on cutting-edge topics. We trust that our readers will find the variety of unique content inside these pages to

be both educational and inspirational—and well worth the wait.

First up, be sure to read the insightful commentary by NCFPC president John L. Rustin on the recent history of elections in North Carolina, and why your vote matters more than ever in the upcoming November 4, 2014 General Election.

Couples and individuals struggling with infertility are increasingly turning to third party reproduction, such as the use of anonymous egg and/or sperm donors, to have children—but at what cost? In a beautifully written feature essay, Alana Newman, who was conceived through donor conception, offers an intimate look at the personal and social consequences of third party reproduction for both children and adults.

In an exclusive for the NCFPC, Attorney Chris Derrick blows the lid off of the South Carolina-based Catawba Indian Nation’s plans to go “off the reservation” to gain authorization to open a casino in North Carolina. Derrick’s detailed legal analysis of the Catawba Tribe’s plans makes it clear that the Tribe has absolutely no legal authority to open a casino in the Tar Heel State.

Nationwide and here in North Carolina, the Common Core education standards continue to cause concern among educators, parents, and lawmakers. Kristen Blair cuts through the confusion surrounding Common Core to provide an in-depth look at the standards, and why states are increasingly rejecting Common Core as a threat to local and parental authority over education.

Homosexual advocacy groups and their allies have once again turned to the courts to launch an all-out war on marriage, filing over 60 marriage redefinition lawsuits in state and federal courts, in-

cluding three in North Carolina. Yours truly offers the latest on the marriage battle in our state, and provides a timeline of recent federal court rulings, along with a map of state marriage laws nationwide.

Plan B emergency contraception is now available over-the-counter and without age limits, placing the health of young women and the authority of parents at risk. Attorney Mary Summa explains the history of Plan B, the dangers of the drug, and why unfettered access to it threatens the rights of parents to make healthcare decisions for their daughters.

In addition to the legal challenges to North Carolina’s marriage laws, the State is facing a number of other lawsuits to several recently enacted state laws. Turn to the “Briefs” section for the latest on the legal battles facing North Carolina’s Choose Life license plates, Woman’s Right to Know law, and Opportunity Scholarship Program.

With all the bad news that permeates our culture today, it is refreshing to pause to consider something positive that is happening in communities nationwide. In this issue, we do that by shining a spotlight on Trail Life USA, a new youth adventure organization that organizers hope will serve as an alternative to the Boy Scouts of America.

Finally, don’t miss NCFPC president John Rustin’s interview with Amber Lehman, CEO of First Choice Pregnancy Solutions in Wake Forest. Amber shares the powerful story of how God used her personal experience with abortion to minister to others.

As you can see by the variety of topics covered in this magazine, the North Carolina Family Policy Council is not a “one-issue” organization. In fact, with the 2014 “Short” Legislative Session of the North Carolina General Assembly just beginning, many of the topics covered in these pages will be before lawmakers. Throughout the legislative session and beyond, the NCFPC will be serving as a voice for families on the issues of marriage, gambling, parental rights, education, the sanctity of human life, and so much more.

As always, we cannot do what we do without you—our supporters and partners. So we thank you for reading this issue of *Family North Carolina*, and we pray you will use it to educate yourself and others in your community. Most importantly, our prayer is that this magazine will serve to encourage you to stay engaged in the public policy arena of North Carolina. ❖

Alysse ElHage, M.A., is associate director of research for the North Carolina Family Policy Council and editor of Family North Carolina.

written by:
**Alysse
ElHage,
M.A.**

Your Vote Counts

written by:
**John L.
Rustin**

For decades, North Carolina existed in relative anonymity on the national political scene. We were a solid conservative to moderate Democratic-leaning state, but that all began to change in 2008 when Tar Heel voters barely sided with Democratic presidential candidate Barack Obama by a razor thin 14,177 votes out of over 4.3 million cast. The 2008 election marked the end of an era and a turning point in North Carolina politics that would manifest itself in historic electoral changes just two years later. In 2010, Republicans took control of both chambers of the state legislature for the first time since Reconstruction, and with the benefit of redistricting in 2011, the GOP extended its majorities in the State House and State Senate in 2012. That same year, North Carolina voters also elected a Republican governor for the first time in 20 years, and supported the Romney/Ryan Republican ticket for president/vice president over the Obama/Biden Democratic ticket by a margin of over 92,000 votes.

In a matter of two election cycles, North Carolina moved from a fairly reliable Democratic-leaning “blue” state to a highly competitive “purple” state. Much of this change was driven by population growth and a substantial increase in the percentage of unaffiliated voters. In fact, the Democratic and Republican parties have continued to lose political “market share” since 2008, with statewide Democratic registration dropping from 45.8 percent in November 2008 to 42.3 percent in May 2014, while statewide GOP registration declined from 32 percent to 30.6 percent during the same time period. Meanwhile “Unaffiliated” registration increased from 22.2 percent to 26.7 percent, meaning that more than one in four North Carolina voters do not formally associate with either of the major political parties. As a result, elections in North Carolina—particularly statewide elections—have become much more difficult to predict and increasingly more expensive.

So what does this mean for you as a voter? *I believe it means your vote counts more than ever!*

Due to its political competitiveness, North Carolina rose in prominence to a “top tier” state in importance in the 2012 presidential race, and we have done so again in the 2014 U.S. Senate race. Millions in political advertising dollars are pouring into the state from the candidates’ political committees and from outside groups seeking to influence the result of key races. After all, the outcome of the statewide presidential race in North Carolina was decided by two percent of the vote in 2012 and by only one-



third-of-one-percent in 2008. These groups recognize that every vote counts.

Although 2014 is an “off-year” election without a presidential or gubernatorial race on the ballot, much is at stake. The outcome of our U.S. Senate race could signal a shift of power in Washington D.C., and all of our 13 U.S House seats are up for election. In addition, four of the seven seats on our State Supreme Court and three of the 15 seats of our State Court of Appeals will be decided this year. Furthermore, the entire State Legislature, 50 seats in the State Senate, and 120 seats in the State House will be chosen.

I believe our Founding Fathers were divinely inspired when they established our representative Republic, but this form of government depends upon the *active* involvement of *informed* citizens. It is our civic duty and responsibility not only to vote, but to enter the voting booth with knowledge about where the candidates stand on the issues.

This is why the North Carolina Family Policy Council will once again produce a non-partisan and objective Voter Guide prior to the November 4, 2014 General Election. The Voter Guide will provide valuable insight into the candidates’ positions on a wide range of issues including marriage, sanctity of human life, parental rights, school choice, religious freedom, gambling, and much more. We will be sure to let you know as soon as it is available.

After all, your vote counts now more than ever! ❖

John L. Rustin is president of the North Carolina Family Policy Council.

quotes, quips, and other items of interest

“[U]nder no circumstances will we render to Caesar what is God’s.”

—Eric Teetsel, executive director of The Manhattan Declaration, in a blog post entitled, “A Biblical Case for Freedom of Conscience” published on February 23, 2014. According to Teetsel, Christians “recognize the duty to comply with laws whether we happen to like them or not, unless the laws are gravely unjust or require those subject to them to do something unjust or otherwise immoral.”

“[T]hey waited until [the] Choose Life [plate] was in the homestretch and then demanded the fruits of the pro-life camps’ labor.”

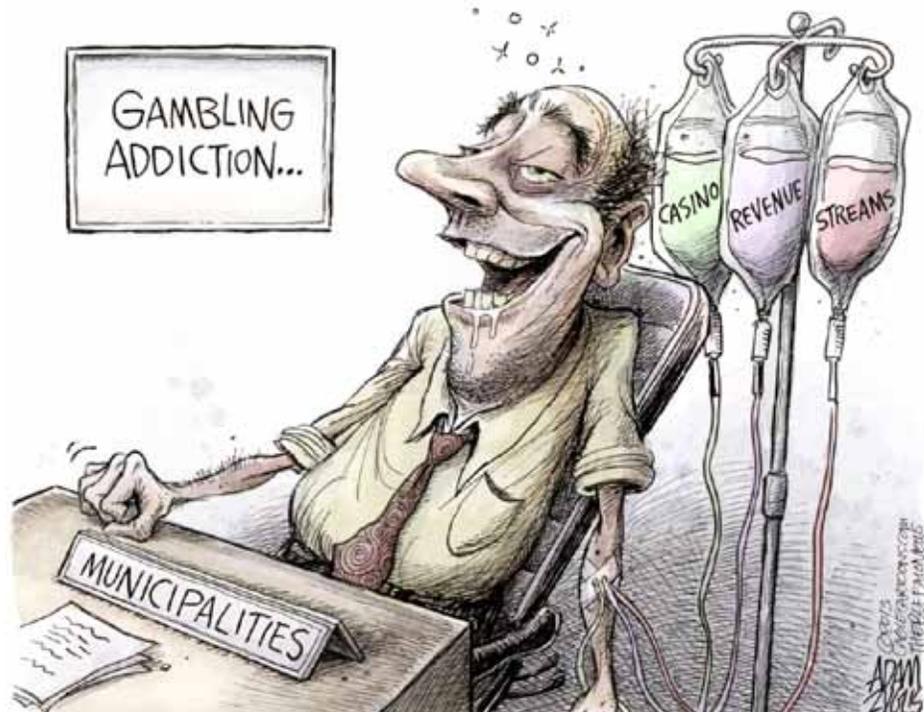
—Rev. Mark Creech, executive director of the Christian Action League, writing about a lawsuit brought by pro-abortion groups that challenges the “Choose Life NC” specialty license plates. A three-judge panel of the Fourth Circuit Court of Appeals ruled unanimously on February 11, 2014 that the plates represent “blatant viewpoint discrimination” because the State does not also offer a pro-abortion license plate.

“Christian schools should not allow groups hostile to religion to intimidate them.”

—Matt Sharp, Senior Legal Counsel for Alliance Defending Freedom, in a December 2013 statement admonishing Christian schools in North Carolina “not to be intimidated” by a homosexual advocacy group’s campaign against the participation of religious schools in the state’s new Opportunity Scholarship Program.

“All the problems ... introduced into the state from the casino, you end up paying for as a tax-payer.”

—Paul Davies, editor of www.getgovernmentoutofgambling.org, speaking about the long-term negative economic impact of casino gambling on communities. Davies made the comment in a February 2013 interview with NCFPC President John Rustin on “Family Policy Matters.”



By: Adam Zyglis, www.politicalcartoons.com

The further
a society drifts
from
truth the
more it will
hate those
who speak it.

— George Orwell



Going Off the Reservation

Why the Catawba Indians Have NO Legal Authority to Open a Casino in N.C.

written by:
**Christopher
W. Derrick,
J.D.**

“**O**FF THE RESERVATION” IS A TERM USED SO OFTEN THAT IT HAS BECOME PART OF THE AMERICAN LEXICON. THE SAYING HAS ITS ROOTS IN YESTERYEAR, AND LITERALLY MEANS THAT SOMEONE HAS LEFT THEIR ESTABLISHED TRIBAL OR HOME BASE BOUNDARIES. “OFF THE RESERVATION” WAS USED IN ITS LITERAL SENSE TWO MINUTES INTO LAST YEAR’S BLOCKBUSTER MOVIE *GRAVITY*. WHEN ASKED BY MISSION CONTROL ABOUT THE FUEL STATUS OF HIS JET PACK DURING A LENGTHY SPACEWALK OUTSIDE THE SOON TO BE DOOMED SPACE SHUTTLE, GEORGE CLOONEY’S CHARACTER REPLIES, “FIVE HOURS OFF THE RESERVATION, AND I SHOW 30 PERCENT DRAIN.” MORE OFTEN THAN NOT, HOWEVER, “OFF THE RESERVATION” IS USED IN A FIGURATIVE SENSE TO DESCRIBE WHEN SOMEONE IS OPERATING OUTSIDE OF THE ESTABLISHED RULES, OR IS ENGAGED IN DISRUPTIVE ACTIVITY OUTSIDE NORMAL BOUNDS. THE TERM WAS USED FIGURATIVELY IN *THE BOURNE IDENTITY* TO DESCRIBE THE LEAD CHARACTER JASON BOURNE, A ROGUE CIA AGENT ON THE RUN IN EUROPE: “YOU’VE GOT A BLACK OPS AGENT WHO’S OFF THE RESERVATION.”

Given the disparity in meanings, it seems unlikely that a situation would exist where “off the reserva-

tion” could be used both literally *and* figuratively to describe the same set of circumstances. However, one need look no further than the Catawba Indian Nation and its attempt to build a Las Vegas-style casino in North Carolina for the perfect case study illustrating the literal and figurative meanings of “off the reservation.”

The Catawba Indian Nation (the “Catawba,” or the “Tribe”) is a Native American tribe based in York County, South Carolina. The Tribe’s only tribal reservation is located in Rock Hill, its tribal lands are all located within the State of South Carolina, and the overwhelming majority of its 2,800 members reside in South Carolina. The Catawba has no land in North Carolina, and it is not one of the tribes formally recognized by this State. With no immediate connections to the Old North State, a lot of people were shocked to learn late last summer that the Tribe was aggressively pursuing plans to build a massive casino in North Carolina just across the state line in Kings Mountain. When the Catawba finally went public with details of the project, the Tribe revealed plans for the development of a 16-acre site right off I-85 (about 30 miles west of Charlotte and about 30 miles northwest of the South Carolina reservation) that would include a \$339 million, 220,000 square foot gambling facility and 1,500 room hotel.

Since the casino plans became public, many North Carolinians have been scratching their heads wondering whether it is legally possible for the Catawba to go “off the reservation” and build an enormous gambling resort on land that is not only located outside its reservation, but that is situated in an entirely different state from its own. Determining the answer requires an analysis of the Tribe’s 1993 land settlement agreement with the federal government and the State of South Carolina and its application to put the Kings Mountain property into trust with the United States Secretary of Interior for the purposes of gambling. Once thoroughly analyzed, the facts and the law make clear that the Catawba Tribe does not have the legal right or authority to operate a casino in North Carolina, and that the Tribe’s plans to (literally) build a casino off the reservation are (figuratively) “off the reservation.”

The 1993 Catawba Settlement

Although the Tribe has never engaged in land negotiations with North Carolina, the Catawba has been wrestling with South Carolina over land rights since first surrendering its aboriginal territory in 1760 in exchange for the right to settle on a large tract of land in South Carolina. While the Tribe has entered into several treaties and service arrangements over the years, it did not settle all its land claims with South Carolina and the U.S. government until 1993, when a comprehensive Catawba settlement plan was enacted into law. The 1993 settlement plan was memorialized in three “Settle-

ment Documents:” (1) an act of Congress known as the Catawba Indian Tribe of South Carolina Land Claims Settlement Act (the “Federal Act”); (2) an act of South Carolina legislature, known as the Catawba Indian Claims Settlement Act (the “State Act”); and (3) a written settlement agreement between the Catawba Indian Nation and the State of South Carolina (the “Settlement Agreement”), which is codified in both the Federal Act and the State Act.

Land. The Settlement Documents apply to the Tribe as a whole, as well as to all members of the Tribe. Together, the Settlement Documents unequivocally extinguished all past, present, and future land claims of the Catawba (including claims based on aboriginal title, trespass, use, and occupancy), regardless of location. Section 6(a) of the Federal Act also ratified all previous transfers by the Tribe “of land or natural resources located anywhere within the United States.” In return for resolving all claims and ratifying all transfers, the Tribe received certain settlement funds and the Tribe’s “Existing Reservation” (consisting of approximately 630 acres) was transferred from the State of South Carolina to the Secretary of Interior. The Federal Act also sets out the Catawba’s rights and limitations on expanding the Existing Reservation and acquiring non-reservation properties, and limits the “jurisdiction and governmental powers of the Tribe” to those set forth in the Federal Act and the State Act.

Gambling. In addition to settling all land rights of the Tribe, the Settlement Documents also set out all of the rights of the Tribe with respect to gambling and operating “games of chance.” Each of the Settlement Documents specifically provide that the laws and regulations of the State of South Carolina “govern the regulation and conduct of gambling or wagering by the Tribe *on and off the reservation*,” and that the Indian Gaming Regulatory Act (“IGRA”) does not apply to the Tribe. So instead of tribal gambling being governed by IGRA, the federal law that provides the statutory basis for the operation of casino (Class III) gambling by Indian tribes on tribal lands, the Catawba agreed that its gambling activities would be governed wholly by the terms of the Settlement Documents.

A Quest for Big Time Gambling in S.C.

According to John Spratt, the South Carolina congressman who shepherded the Federal Act through Congress in 1993, the Catawba’s agreement to give up any rights under IGRA was fundamentally necessary in order to get the State to approve the overall Catawba settlement arrangement. Many South Carolina legislators simply did not want any additional gambling in their State, and by insisting that the Settlement Documents made IGRA inapplicable to the Tribe, those legislators believed they had effectively foreclosed all

means for the Tribe to ever operate a Las Vegas-style casino in South Carolina.

The years since the ratification of the Settlement Documents have proven the South Carolina legislature right, and the Catawba’s numerous attempts at operating a casino gambling facility in South Carolina have met with failure at each turn. The Catawba’s latest such attempt failed when the Supreme Court of South Carolina issued its ruling in *Catawba Indian Nation v. State of South Carolina* on April 2, 2014. In that lawsuit, the Tribe alleged that the South Carolina Gambling Cruise Act (which permits video gambling on cruises in international waters) constitutes an authorization of video gambling by the State that permits the Tribe to offer casino-style video gambling on the Existing Reservation. The S.C. Supreme Court disagreed, holding that the Gambling Cruise Act does not authorize the Tribe to offer video gambling on its Existing Reservation in contravention of the existing statewide ban on video gambling devices. The court specifically noted in its opinion that the Catawba had waived its right to be governed by IGRA, and that it had instead agreed to be solely “governed by the terms of the Settlement Agreement and the State Act as pertains to games of chance.” The court concluded that although “the Tribe is not treated the same as everyone else in certain respects of the law,” “in regards to ‘video poker or similar electronic play devices,’ the Tribe has specifically agreed to be treated like everyone else” through the Settlement Agreement and the State Act, and as a result, the Catawba may not operate video gambling devices in South Carolina.

The Tribe Looks Northward

Given its total lack of success in South Carolina and the apparent commercial success of the Eastern Band of Cherokee Indians’ Harrah’s Casino in western North Carolina, it probably should not surprise anyone that the Catawba would look towards North Carolina in hopes of establishing a

“Once thoroughly analyzed, the facts and the law make clear that the Catawba does not have the legal right or authority to operate a casino in North Carolina.”

significant gambling operation. Still, when the news became public on August 15, 2013 that the Tribe was taking steps to put a casino in Kings Mountain, the public was caught entirely off guard. Leading policy leaders, including N.C. Governor Pat McCrory (R), N.C. Attorney General Roy Cooper (D), N.C. Insurance Commissioner Wayne Goodwin (D), leaders in the N.C. Senate, and over 100 members of the N.C. House of Representatives, quickly moved to state their opposition to the idea of the South Carolina-based Catawba establishing a casino in the Tar Heel State.

Documents released by the office of Gov. McCrory in late 2013 revealed that top economic advisors to the Governor had been actively discussing the proposed Kings Mountain casino for several months before the news became public. According to media reports, someone on the Tribe's behalf even presented Gov. McCrory's office with a draft of an "IGRA-style" compact containing a revenue sharing arrangement for the proposed casino similar to the one found in the Eastern Band of Cherokee's gambling compact (signed by Gov. Beverly Perdue (D) in 2012). But negotiations with Gov. McCrory eventually proved unsuccessful for the Tribe, as evidenced by his September 9, 2013 statement in which he said that he remained "unconvinced that any new casino proposal is in the best interest of North Carolina."

Having failed to get Gov. McCrory to voluntarily move forward with a compact agreeing to the Kings Mountain casino, the Catawba quickly pivoted in another direction, and on August 30, 2013 filed an application with the U.S. Bureau of Indian Affairs (the "*Trust Application*") asking the Secretary of Interior to take the 16-acre Kings Mountain parcel of land into trust on the Tribe's behalf for the purpose of operating a casino. Though the Catawba said that it had been very serious about reaching a compact with the State of North Carolina, the Tribe argued that it "can engage in gaming without a compact," and that the Trust Application made a compact with the Governor "of minimal concern."

Reservation Shopping

Through the Trust Application, the Tribe seeks to put the 16-acre tract in Cleveland County, North Carolina into trust with the Secretary of Interior on behalf of the Tribe to use "for economic development, including an entertainment complex, and to the extent permissible under relevant law, gaming." By "reservation shopping," and attempting to put land located outside the tribal reservation into trust for the purposes of operating a casino, the Catawba is following in the footsteps of other Indian tribes. Reservation shopping tribes have typically selected land for trust on the basis of whether it provides easy access to large numbers of potential gamblers, rather than on the basis of the tribes' historical connection to the land. With its proposed casino site located on Interstate 85, just 30 miles from Charlotte and within a 100-mile drive for approximately five million adults, the Catawba's selection of off reservation property is very much in line with the past practice of reservation shopping tribes.

The Tribe's reservation shopping initiative is nevertheless completely unprecedented, according to Matthew Fletcher, professor of law and director of the Indigenous Law & Policy Center at Michigan State University. This is because all prior trust applications by Indian tribes seeking to have the Secretary of Interior place new land into trust for gambling purposes have been governed by IGRA. IGRA, which has been used by a handful of tribes to successfully acquire off reservation land for casinos, does not apply to the Catawba Tribe, and consequently does not apply to the Trust Application. In making its Trust Application, the Catawba may not rely on IGRA or any past decisions of the Secretary of Interior as precedent for deciding its Trust Application.

By ratifying all previous transfers of land and extinguishing all potential land claims of the Tribe "*anywhere within the United States*," the Federal Act effectively prevents land from being taken into trust on the Tribe's behalf by any method other than the one provided in the Settlement Documents. The Secretary of Interior's decision on whether the Kings Mountain site may be taken into trust for the Tribe's benefit must therefore be determined solely on the basis of the terms of the Federal Act, the State Act, and the Settlement Agreement.

The Settlement Documents Deny Trust Application

The Tribe filed its Trust Application with the Secretary of Interior "pursuant to" Section 12 of the Federal Act, which governs the expansion of the Existing Reservation. The Tribe argues that the proposed land into trust acquisition of the Kings Mountain property is mandatory under the Federal Act because the Trust Application meets all of the requirements for putting land into trust under the

The Settlement Documents therefore do not allow the Kings Mountain site to be placed in trust, and the Secretary of Interior should reject the Trust Application.

terms of the Settlement Documents. The Catawba asserts that because the Kings Mountain property lies within the Tribe's federal "service area" (as defined in the Federal Act), the Settlement Documents specifically permit placing North Carolina property into trust for the benefit of the Tribe. The Tribe also contends that because the targeted land is located outside of the State of South Carolina, it is entirely free from the restrictions imposed by the Settlement Documents on land acquisitions within South Carolina. According to the Tribe's arguments then, the Settlement Documents' detailed requirements for expanding the Existing Reservation only apply to lands acquired in South Carolina, and land in North Carolina that is taken into trust is subject to no state or federal oversight whatsoever.

In its Trust Application, the Tribe chooses to ignore the specific requirements outlined in the Settlement Documents for expansion of the Existing Reservation, perhaps because such requirements effectively prevent expanding the Existing Reservation into land within North Carolina. Contrary to the Tribe's arguments in the Trust Application, the plain language of the Settlement Documents makes clear that only land within South Carolina may be held in trust with the Secretary of Interior and used to expand the Catawba's Existing Reservation.

The Settlement Documents define the word "State" only to mean the "State of South Carolina." Neither "North Carolina" (nor any other state) is even mentioned in the State Act or the Settlement Agreement. Moreover, in each place that the Settlement Documents reference a state legislature or governor, such terms are defined to mean the state legislature and governor of South Carolina. The legislative history of Section 12 of the Federal Act (which provides the only means for the Tribe to acquire land in trust), clarifies that all of the land that is acquired and taken into trust for the benefit of the Tribe must be land located in York County and Lancaster County, South Carolina.

The only Settlement Document that even mentions "North Carolina" is the Federal Act, which references it one time in the definition of "service area," an area consisting of all of South Carolina and six "counties in the State of North Carolina" (Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union). The term "service area" appears only five times in the Federal Act: once in the definition of the term; once with respect to federal benefits and services for members of the Tribe; and three times in relation to the Tribe's "base membership roll." The term "service area" is never used in the Settlement Documents to discuss land acquisitions, lands eligible for being placed into trust, or the expansion of the Existing Reservation. The legislative history of the Federal Act indicates that the term "service area" appears in the Federal Act only in order to define the "Catawba health care service area" in the context of Section 4(b) of the Federal



Act, which concerns "eligibility for federal benefits and services" for members of the Tribe.

The Tribe's contention that the inclusion of six counties in North Carolina in the definition of federal "service area" somehow permits the Kings Mountain property to be placed into trust and used to expand the Existing Reservation is simply without merit. The Settlement Documents make clear that the only land that may be held in trust by the Secretary of Interior for the benefit of the Tribe is land located within South Carolina. The Settlement Documents therefore do not allow the Kings Mountain site to be placed in trust, and the Secretary of Interior should reject the Trust Application.

South Carolina law governs the Tribe's trust land and all of the Tribe's gambling activities.

In the Catawba's Trust Application, the Tribe argues that any "service area" land in North Carolina that is taken into trust for the benefit of the Tribe is exempt from the regulatory requirements imposed by the Settlement Documents on lands within South Carolina. This interpretation flies in the face of the precise language of the Settlement Documents themselves, which provide that any land taken into trust for the benefit of the Tribe is singularly governed by the laws and regulations of the State of South Carolina. Section 4 of the Settlement Agreement specifically provides that the Tribe, its members, and "lands held in trust for the Tribe" are subject to the "civil, criminal and regulatory jurisdiction" of the State of South Carolina. Section 11 of the Settlement Agreement also states that South Carolina exercises exclusive criminal jurisdiction over the Catawba's reservation.

The fact that South Carolina law governs the Tribe and its land is also made evident by Section

“ [T]he Catawba’s plans to build a casino off the reservation in North Carolina [are] completely “off the reservation.” ”

14(b) of the Federal Act, which concerns the conduct of “games of chance” by the Tribe and provides “all laws, ordinances, and regulations of the State [of South Carolina], and its political subdivisions, shall govern the regulation of gambling devices and the conduct of gambling or wagering by the Tribe on and off the Reservation.” The State Act contains the exact same language, and the Settlement Agreement provides in two different subsections that “all laws, ordinances, and regulations of the State of South Carolina, and political subdivisions” govern the regulation and conduct of gambling or wagering by the Tribe. The Settlement Documents therefore make crystal clear that South Carolina law governs the regulation and conduct of any and all gambling *anywhere* by the Tribe.

As already discussed, the Settlement Documents do not permit lands outside South Carolina to be placed into trust for the benefit of the Tribe. However, even if one assumes that the Settlement Documents could somehow be read to allow the Kings Mountain site to be placed into trust, the Settlement Documents mandate that the laws and regulations of South Carolina will govern such land, as well as all gambling activities of the Tribe on such land. The South Carolina Supreme Court recently slammed the door on video gambling operations in that State when it held that the Tribe is subject to South Carolina gambling law in the same manner as any ordinary citizen of South Carolina. Therefore, even if the Settlement Documents would allow the Kings Mountain site to be placed in trust as the Tribe argues, South Carolina law would foreclose the Tribe from opening a casino on the property because South Carolina law, as reiterated by the South Carolina Supreme Court, expressly prohibits all forms of video and Las Vegas-style casino gambling.

The Tribe dismisses the applicability of South Carolina law by simply asserting that South Carolina law would not apply to property in North Carolina that is held in trust. The Catawba’s interpretation of the Settlement Documents produces a scenario where the Tribe would be free of any laws

or regulations governing the Kings Mountain site or the operation of a gambling casino on North Carolina property if such property were placed in trust. Clearly, the Tribe’s “anything goes” approach is not intended by the Settlement Documents, which would not provide a highly regimented regulatory process for South Carolina land on one hand, and then place absolutely no guidelines or regulations on North Carolina land on the other. In fact, the Federal Act expressly states that, “The jurisdiction and governmental powers of the Tribe shall be solely those set forth in this Act and the State Act.” The Tribe simply cannot produce an entirely new set of rights and privileges out of thin air. The only plausible understanding of the Settlement Documents is that they simply do not contemplate or permit lands outside of South Carolina to be taken into trust for the benefit of the Catawba.

Placing the Kings Mountain site into trust would lead to an unconstitutional dead end.

According to the terms of the Settlement Documents, any property placed in trust for the benefit of the Tribe is necessarily subject to the laws of South Carolina, including the state’s “civil, criminal, and regulatory jurisdiction,” gambling laws, real property taxes, local building codes, etc. If the Kings Mountain site were placed into trust, as the Tribe argues it should be, such North Carolina land would correspondingly fall under the jurisdiction of another State, resulting in a clear violation of the U.S. Constitution. To interpret the Settlement Documents in the manner requested by the Tribe thus produces an unconstitutional dead end, which could also create some unintended consequences for the Tribe if it somehow resulted in the nullification of the Federal Act.

“Off the Reservation”

The Settlement Documents make absolutely clear that the only land that may be taken into trust by the Secretary of Interior for the benefit of the Tribe is land located within South Carolina. Even if a strained reading of the Settlement Documents were to somehow permit the Kings Mountain site to be taken into trust, the land and the gambling activities of the Tribe would still be governed by the laws of South Carolina, which specifically outlaw casino gambling. The Settlement Documents, which provide the only means for the Tribe to have land taken into trust on its behalf, therefore prohibit the Catawba from possessing trust land in North Carolina and bar the Tribe from operating a casino on the Kings Mountain site. All this, one might add, makes the Catawba’s plans to build a casino off the reservation completely “off the reservation.” ❖

Christopher W. Derrick, J.D., is an attorney in Asheville, N.C., who formerly served as Special Counsel to Dr. James Dobson on the 1999 National Gambling Impact Study Commission. For a footnoted version of this article, please visit ncfamily.org.



Understanding Common Core

What Parents Need to Know About the National K-12 Standards

written by:
**Kristen
Blair**

FOR HEATHER CROSSIN, AN INDIANA MOM OF FOUR, THE FALL OF 2011 WAS AN ODYSSEY OF HOMEWORK FRUSTRATION. HER THIRD GRADER ROUTINELY BROUGHT HOME WORKSHEETS FEATURING “FUZZY MATH” WITH ODD APPROACHES TO PROBLEM SOLVING. HEATHER COMPLAINED TO SCHOOL ADMINISTRATORS, ONLY TO LEARN THAT HER PRIVATE CATHOLIC SCHOOL—REQUIRED TO ADMINISTER STATE TESTS THROUGH ITS PARTICIPATION IN A VOUCHER PROGRAM—HAD ADOPTED THE ENGLISH LANGUAGE ARTS AND MATH STANDARDS KNOWN AS COMMON CORE. A FEDERALLY FUNDED TEST FOR STUDENTS WAS ON THE WAY.

An epiphany followed for Heather: “I realized that the locus of control was so far removed from my little school,” she says. “Rather than bang my head against the wall there, I decided to take it to where I thought the power resided, which is down at the state house. I discovered that Indiana had actually forfeited that power to entities outside the state—private trade associations—who could care less what I think. That concerned me.”

Heather, who had never tweeted, leveraged social media to share information. She and friend Erin Tuttle printed an informational tri-fold at Kinko’s, marshaled support from pro-family groups, and

spoke at political gatherings. Her state senator—who sat on the Senate Education Committee—knew nothing about Common Core, but agreed to craft legislation after learning more. In 2013, Indiana lawmakers voted to “pause” Common Core; in March 2014, Indiana’s governor signed legislation officially dropping the standards.*

Heather had no “master plan,” but says she felt compelled to share the facts. “We were just so frustrated that no one knew this had happened... If I had really been asked, ‘Do you think you can stop this?’... I would have laughed. I wasn’t thinking in those terms,” Heather explains. “I was just [thinking], ‘I’m not going to let them do this without telling people.’ It was shocking to me that something as large as this had happened, and [that] such a huge shift in power had occurred, and literally, nobody knew anything about it!”

Origins of Common Core

So, what, exactly, is Common Core, and how did it get here?

Common Core is a set of K-12 standards or benchmarks in mathematics and English that stipulate what students should know at every grade to be ready for college and work. According to its mission statement, Common Core is intended “to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers.” To date, 45 states, including North Carolina, have adopted Common Core’s math and English standards for their public schools.

Spearheaded by a small cadre of education influencers, the development of Common Core began in earnest in 2009 as a venture between the Council of Chief State School Officers and the National Governors Association, along with the help of Achieve, a nonprofit directed by governors and business leaders. The Bill and Melinda Gates Foundation provided millions in funding.

David Coleman, now president of the College Board (publisher of the SAT), led the standards-writing process through Student Achievement Partners, an organization he co-founded with fellow Common Core writers, Susan Pimentel and Jason Zimba. Groups comprised primarily of university professors, state officials, and representatives from testing companies and education organizations helped develop and review the standards. The validation process was closely guarded: committee members were instructed to keep discussions confidential.

Three months before final release, the standards’ developers solicited public comment. Some 10,000 individuals—almost half of them K-12 teachers—responded. Feedback, condensed into a skinny nine-page document, was depicted as largely favorable, yet noted that “few respondents believe the current

Undergirding these issues is the reality that Common Core, a leviathan in scope and size, represents a sea change in how American schoolchildren are taught and tested.

education system is well prepared to meaningfully implement” Common Core.

Nevertheless, on June 2, 2010, the final standards were released. North Carolina was one of the first states to sign on: at its June 2010 meeting, the State Board of Education voted to adopt Common Core. The North Carolina General Assembly later moved to codify Common Core in state statutes.

Public Response

Despite palpable enthusiasm from governors and state school officials, many key stakeholders have remained uninformed about Common Core. A 2013 Phi Delta Kappa/Gallup poll revealed that 62 percent of Americans and 55 percent of public school parents had never heard of Common Core.

Still, early opposition began to harden during 2012-13, the first year of implementation in North Carolina and in a number of other states. Parents

and elected officials began asking questions. In July 2013, North Carolina Lieutenant Governor Dan Forest sent a letter to State Superintendent of Public Instruction June Atkinson, requesting answers to 67 questions about Common Core’s development and implementation.

Critics’ concerns cut a wide swath: How will states fund implementation costs? What will happen if states back out? Will data-collection invade student privacy?

The most fundamental and pervasive criticisms of Common Core, however, are that the standards diminish local control; are developmentally inappropriate for young students; lack rigor in the upper grades; and reduce education to workforce preparation.

Undergirding these issues is the reality that Common Core, a leviathan in scope and size, represents a sea change in how American schoolchildren are taught and tested.

The stakes are high indeed.

Diminished Local Control

Despite ongoing claims that Common Core is a “state-led” effort, the standards embody a centralized approach that diminishes local control. Common Core leaves little room for innovation: states adopted the standards in full, with a small margin for additions. Washington, D.C.-based associations retain “all right, title, and interest” in and to the standards.

While the federal government did not develop the standards, it manipulated states into adopting them. The Obama Administration’s \$4 billion-plus Race to the Top competitive grant program tied receipt of federal dollars to adoption of common standards. (North Carolina received \$400 million through Race to the Top.) States seeking waivers from the *No Child Left Behind* law were required to show they had adopted common standards, or standards approved by higher education institutions. The U.S. Department of Education has funded the two consortia writing national tests, and implemented a technical review process to supervise test development.

What troubles critics most about such centralized control? The U.S. Department of Education is prohibited by law from “direction, supervision, or control” over curriculum. While Common Core is a set of standards, not curriculum, it *will* drive curriculum. Assessments will also shape classroom content, as instructors teach to the test.

In a 2012 report, Robert Eitel and Kent Talbert, a former Deputy General Counsel and General Counsel of the U.S. Department of Education, concluded that Common Core standards and tests:

will ultimately direct the course of elementary and secondary study in most states across the nation, running the risk that states will become little more than administrative agents for a nationalized K-12 program of instruction, and raising a funda-



mental question about whether the Department is exceeding its statutory boundaries.

Common Core will deepen the divide between distant decision-makers and classrooms, further eroding the autonomy of those closest to students—those who know and serve them best. Local school boards, principals, teachers, and parents are thus disenfranchised.

Developmentally Inappropriate

Additionally, critics say Common Core pushes young children to demonstrate skills that are developmentally inappropriate. Common Core's mathematical practices, for example, require students to "reason abstractly" beginning in kindergarten. But children cannot engage in abstract thinking until age 11 or 12, according to child clinical psychologist Megan Koschnick. In a speech, Dr. Koschnick noted wryly:

They say that teachers wear many hats: they're mentors, they're mothers, they're fathers.... But after reading these standards, I'm afraid that they're going to have to wear another one. And that would be the hat of magician.

All conjuring aside, experts have been sounding the alarm on Common Core for several years. More than 500 early childhood health and education professionals signed a 2010 statement expressing "grave concerns" about Common Core's K-3 draft standards, which "conflict with compelling new research ... about how young children learn, what they need to learn, and how best to teach them in kindergarten and the early grades."

Lacking in Rigor

Paradoxically, while Common Core accelerates academic pressures for younger students, it makes school less rigorous for older students. The only mathematician on Common Core's validation committee, Dr. James Milgram, refused to approve the final math standards, saying he could not certify that they kept pace with high-achieving countries. Moreover, Dr. Milgram noted that "no solid research" supports Common Core's approach to teaching geometry, and the standards make "no provisions for eighth grade algebra." Finally, Dr. Milgram and others have indicated that Common Core includes very little trigonometry, "no precalculus or calculus," and will not prepare students for selective colleges or higher education coursework in science, technology, engineering, and mathematics (STEM). In English, critics worry that the standards minimize classic literature. Common Core stipulates a 50-50 split between informational and literary texts in elementary school, and "substantially more" nonfiction than fiction in middle and high school. The seminal books of the Western canon must thus defer to high school informational texts,

Why Not Common Core?

Common Core:

- Diminishes Local Control
- Sets Developmentally Inappropriate K-3 Standards
- Lacks Rigor in the Upper Grades
- De-emphasizes Classic Literature
- Fails to Prepare Students for College Coursework in STEM (science, technology, engineering, and mathematics)
- Exalts Workforce Preparation over Truth and Knowledge

such as "Recommended Levels of Insulation" by the U.S. Environmental Protection Agency or an article in *The New Yorker* about exorbitant health care costs.

What will be lost from English classrooms? Dr. Sandra Stotsky, the English language arts standards expert on Common Core's validation committee who refused to approve the standards, explains:

We will lose a lot more from Common Core's de-emphasis on classic literature than we realize at present. First, we will lose some of the complex literature written in the English language in the 17th, 18th, and 19th centuries (and earlier). Classical curricula, such as those in charter high schools featuring a classical curriculum, are not compatible with curricula that, for accreditation, must address test items in English language arts tests that require students to relate earlier works studied to a contemporary work....

Second, secondary English teachers may be compelled to teach only excerpts from long works because of Common Core's emphasis on informational texts in the English class. Use of excerpts from, or summaries of, literary works is already happening in many classes, according to anecdotal reports.

Third, students will lose opportunities for developing analytical thinking when the study of complex literary works is reduced. Analytical thinking is developed when English teachers teach students how to read between the lines of a literary work.

Workforce Preparation Over Knowledge

Most fundamentally, Common Core's functional focus exalts workforce preparation over the acquisition of truth and knowledge, despite the fact that education has historically served nobler ends. Skill sets necessary for the modern marketplace are pushed down all the way to early elementary school.

What Can You Do?

- Get informed. Access the Common Core Toolkit at www.stopcommoncorenc.org
- Join networks on social media to share information
- Learn more about the work of the North Carolina General Assembly's Committee on Common Core State Standards. Access the committee's website here: <http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=242>

In addition to reading traditional texts, for example, young students who are just discovering the joy of learning must read and understand “technical texts” beginning in second grade—presumably because they will one day encounter such dense, dreary material at work.

Perhaps nowhere has debate over the purpose of education stirred more emotion than in the Catholic community, where many of the nation's private Catholic schools are implementing Common Core. This development prompted the Cardinal Newman Society to launch a “Catholic is our Core” initiative, rejecting Common Core as a “woefully inadequate set of standards” that “limits the understanding of education to a utilitarian ‘readiness for work’ mentality.” This fall, more than 130 Catholic scholars signed a letter to every U.S. Catholic bishop, calling the standards a “recipe for standardized workforce preparation.”

But a precocious teen has presented the most blistering critique of all. In a five-minute speech on Common Core before the Knox County, Tennessee School Board in November 2013 (since watched by millions on YouTube), Ethan Young said:

Everything is career and college preparation. Somewhere our founding fathers are turning in their graves—pleading, screaming, and trying to say to us that we teach to free minds, we teach to inspire, we teach to equip. The careers will come naturally.

What's Next: Common Core in N.C.

Debate over Common Core will intensify, as public awareness and dissatisfaction grow. According to a recent poll of registered North Carolina voters, 53 percent want to “slow down or halt” Common Core implementation; 55 percent believe the State Board of Education did not solicit “sufficient feedback from teachers, parents, and educators” before adopting Common Core.

Statewide, a closer look at Common Core is underway. In the spring of 2013, the Raleigh-based Civitas Institute and other concerned citizens launched the joint project, Stop Common Core North Carolina (SCCNC). The purpose of SCCNC

is to equip North Carolinians with accurate, current information about the Common Core standards, and efforts across the state and nation to oppose them. National consortium tests will garner extra scrutiny: a provision in the 2013 budget requires the State Board of Education to obtain legislative approval before purchasing new assessments. Additionally, the State Board has voted to use North Carolina-developed Common Core tests through 2015-16. And in recent months, state lawmakers solicited and reviewed expert and public opinion on Common Core through the work of a Legislative Research Commission study committee.

Efforts to “move beyond” the flawed Common Core standards should be judicious, transparent, and informed by the perspectives of numerous key stakeholders, according to Terry Stoops, Director of Education Studies at the John Locke Foundation. In his February testimony before the legislative study committee, Dr. Stoops proposed that the state legislature create commissions to review Common Core standards, and to offer feedback on testing and curriculum.

Lawmakers listened. At the study committee's final meeting April 24, members proposed draft legislation (titled “Replace Common Core to Meet NC's Needs”) to remove Common Core from state statutes and establish an Academic Standards Review Commission to evaluate Common Core. The Commission would make interim and final recommendations about changes to the standards.

So what should concerned parents do? Take heart—and action. Connect with like-minded parents. Talk to local and state school board members. Most importantly, communicate concerns to elected representatives in the North Carolina General Assembly. Replacing Common Core (and implementing the study committee's recommendations) will require the passage of legislation by the General Assembly.

Above all, activist parents in North Carolina need patience and perseverance, as Heather Crossin learned. “[In Indiana], we have watched public officials change—even ones who voted for [Common Core] when it was first adopted,” she says. “But it didn't happen immediately. It takes patience to move the debate. You have to be in it for the long haul.”

But, as Heather's efforts proved, what a punch impassioned parents can pack—even against a formidable foe. “It is amazing and shocking,” says Heather, “what a difference a few people can make.”

**Education activists (including Heather) have expressed concern that Indiana's new standards replacing Common Core are inadequate. Heather's fight for rigorous standards continues. ❖*

Kristen Blair is an education writer, published author, and contributor to Stop Common Core NC. For a footnoted version of this article, please visit ncfamily.org.



War on Marriage

The Battle for North Carolina

written by:
**Alysse
 ElHage,
 M.A.**

IN APRIL 2014, EQUALITY NC'S EXECUTIVE DIRECTOR, CHRIS SGRO, TOLD A CROWD OF SAME-SEX "MARRIAGE" ADVOCATES GATHERED AT PULLEN MEMORIAL BAPTIST CHURCH IN RALEIGH, "WHETHER IT'S THIS YEAR OR NEXT, FULL MARRIAGE EQUALITY IS COMING TO NORTH CAROLINA."

Homosexual activists like Sgro are feeling pretty confident these days about their efforts to force the redefinition of marriage on the citizens of this State—and for good reason. Along with their legal and political allies, they have successfully launched an all-out war on marriage in North Carolina. Their in-your-face attack on marriage is being waged on every front—from staged attempts to convince local elected officials to illegally issue marriage licenses to same-sex couples, to a recent public protest in Raleigh of the state's tax policy.

Ultimately, though, marriage redefinition proponents are pinning their hopes on the federal courts, where three lawsuits challenging the constitutionality of North Carolina's marriage laws are pending. Two of the lawsuits are part of a concerted national effort to use the U.S. Supreme Court's June 2013 ruling in *U.S. v. Windsor*, which struck

down Section 3 of the federal Defense of Marriage Act (DOMA), to overturn the state laws of 30 states where marriage is still defined as one man and one woman. Although the *Windsor* decision recognized the historic right of states to define and regulate marriage, marriage redefinition proponents have used it to attack state marriage laws through the courts. Since *Windsor* was handed down, over 60 lawsuits challenging state marriage laws have been filed in state and federal courts in 31 states or territories, including North Carolina. Additionally, federal judges have issued rulings favorable to marriage redefinition in 10 states (Utah, Oklahoma, Virginia, Texas, Michigan, Kentucky, Ohio, Tennessee, Illinois, and Indiana), although most of these rulings are on hold, pending appeal. *See sidebar for more on Windsor's "domino-like effect" in the courts.*

The following is a brief overview of the three lawsuits challenging North Carolina's marriage protection laws, and a look at where North Carolina fits in the broader national battle for marriage.

Fisher-Borne v. Smith

In July 2013—just two weeks after the U.S. Supreme Court's *Windsor* ruling—the ACLU and

The “Domino” Effect of *Windsor*. A Timeline

- **June 2013**—U.S. Supreme Court strikes down Section 3 of the federal Defense of Marriage Act (DOMA) as unconstitutional in a 5 to 4 decision in *United States v. Windsor*, but recognizes the authority of states to define and regulate marriage.
- **July 2013**—Citing the *Windsor* ruling, the American Civil Liberties Union (ACLU) files the first of several “post-DOMA” lawsuits challenging the constitutionality of state marriage laws, including Marriage Protection Amendments (MPA), in North Carolina, Pennsylvania, and Virginia. As of May 2014, over 60 lawsuits challenging state marriage laws have been filed since the *Windsor* ruling.
- **October 21, 2013**—New Jersey becomes the 14th state to issue marriage licenses to same-sex couples (and the fifth state to do so by court order), following a series of state court rulings.
- **December 19, 2013**—The New Mexico Supreme Court rules that, “the State of New Mexico is constitutionally required to allow same-gender couples to marry...”
- **December 20, 2013**—U.S. District Judge Robert Shelby overturns Utah’s voter-approved MPA as unconstitutional, and the state begins issuing marriage licenses to homosexual couples.
- **December 23, 2013**—U.S. District Judge Timothy Black issues a limited ruling that Ohio must recognize the “valid out-of-state same-sex marriages between same-sex couples on Ohio death certificates.”
- **January 6, 2014**—U. S. Supreme Court halts the issuing of marriage licenses to same-sex couples in Utah, pending the State’s appeal of the ruling to the U.S. Court of Appeals for the Tenth Circuit.
- **January 10, 2014**—U.S. Attorney General Eric Holder announces that the federal government will recognize the “marriages” of homosexual couples that obtained marriage licenses in Utah prior to the U.S. Supreme Court’s stay.
- **January 14, 2014**—U.S. Senior District Judge Terence Kern declares Oklahoma’s voter-approved MPA unconstitutional, but stays decision, pending appeal.
- **February 12, 2014**— U.S. District Judge John G. Heyburn II rules that Kentucky must recognize the out-of-state same-sex “marriages” of homosexual couples living in Kentucky, but stays decision pending appeal.
- **February 13, 2014**—U.S. District Judge Arenda L. Wright Allen strikes down Virginia’s MPA, but stays decision, pending appeal.
- **February 26, 2014**—Federal Judge Orlando Garcia rules that Texas’ MPA is unconstitutional, but places the ruling on hold, pending appeal.
- **March 14, 2014**—U.S. District Judge Aleta A. Trauger orders Tennessee officials to recognize the out-of-state same-sex “marriages” of three homosexual couples. That decision is on hold, pending appeal.
- **March 21, 2014**—U.S. District Court Judge Bernard Friedman rules that Michigan’s marriage laws are unconstitutional. On March 22, after hundreds of same-sex couples were issued marriage licenses, the U.S. Court of Appeals for the Sixth Circuit issues a stay of Judge Friedman’s ruling, pending appeal.
- **March 28, 2014**—U.S. Attorney General Eric Holder announces that the federal government will recognize the 300 same-sex “marriages” performed in Michigan prior to the Sixth Circuit’s order that halted the practice.
- **April 10, 2014**—U.S. District Judge Richard Young issues a temporary emergency restraining order in Indiana, requiring the State to immediately recognize the same-sex “marriage” of a lesbian couple.
- **April 14, 2014**—U.S. District Court Judge Timothy Black strikes down Ohio’s law prohibiting recognition of same-sex “marriages” performed in states where the practice is legal, but stays his ruling pending appeal.

the ACLU of North Carolina Legal Foundation (ACLU-NCLF) filed a motion to amend its 2012 *Fisher-Borne v. Smith* lawsuit by adding a challenge to North Carolina’s marriage laws. Soon thereafter, the office of North Carolina Attorney General Roy Cooper announced that it would not oppose the ACLU’s request, and U.S. Magistrate Judge Joi Elizabeth Peake approved the motion.

The original *Fisher-Borne* lawsuit sought to legalize so-called “second-parent” adoption in North Carolina, which would allow a same-sex individual to become the legal parent of their homosexual partner’s child. The amended lawsuit adds a challenge to the state’s marriage statutes that define marriage as the union of one man and one woman and prohibit recognition of out-of-state same-sex “marriages.” It also seeks to overturn the Marriage Protection Amendment (MPA) that was adopted by 61 percent of North Carolina voters in May 2012.

Gerber and Berlin v. Cooper

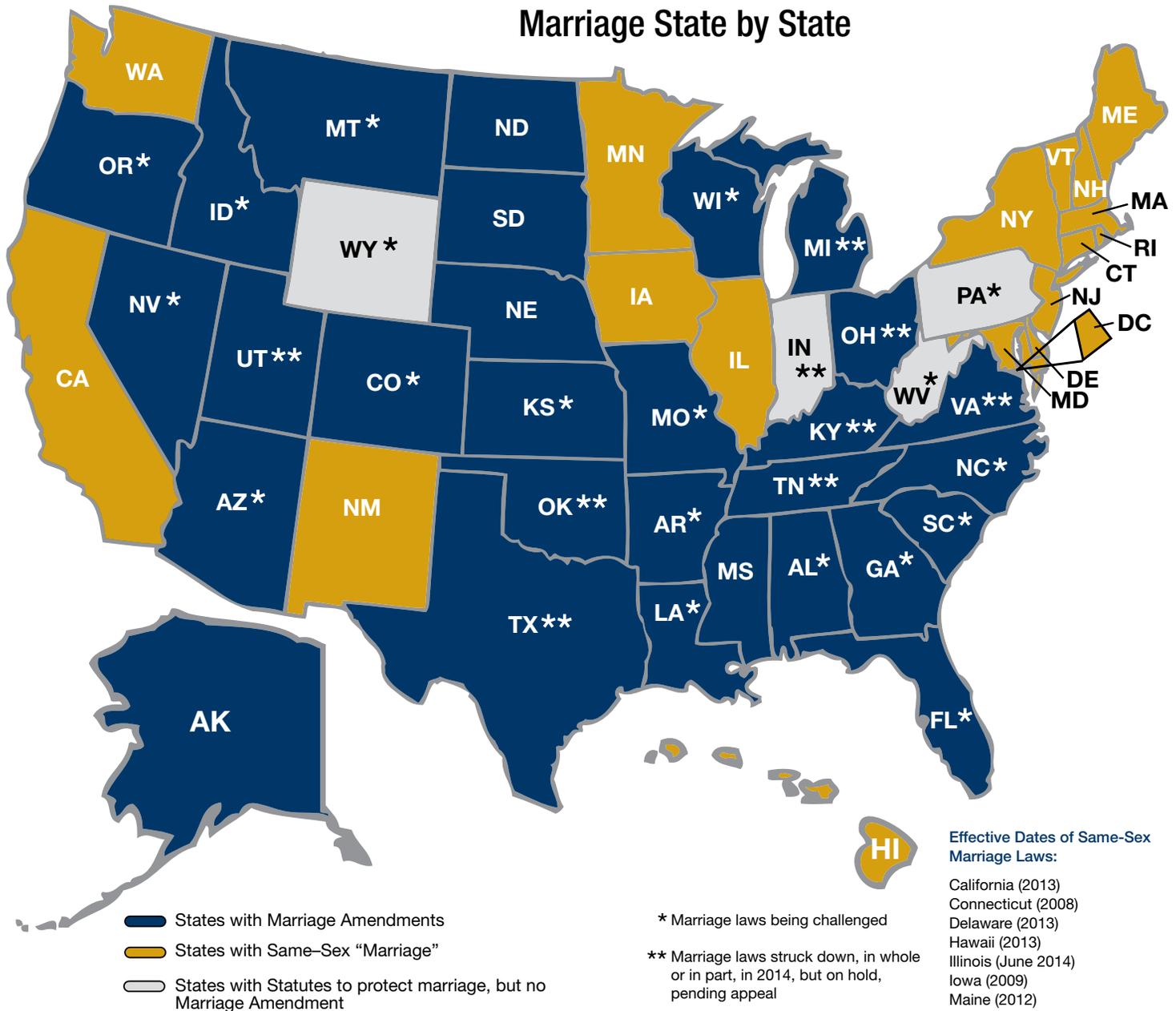
On April 9, 2014, the ACLU and two private law firms filed a second lawsuit challenging North Carolina’s marriage laws in federal district court, but this time they tried a new tactic aimed at getting the court to issue an immediate ruling in the case due to the “life-threatening medical issues” of the same-sex couples involved in the lawsuit. Marriage redefinition proponents have used a similar tactic in other states, most recently in Indiana.

The *Gerber* lawsuit asks the federal district court to: declare North Carolina’s Marriage Protection Amendment and marriage statutes unconstitutional; force the State to immediately recognize three homosexual couples’ out-of-state same-sex unions, in part, because “one member of each couple” in the case has a serious medical condition; and force North Carolina to allow second-parent adoption by the same-sex partner of a child’s legal parent.

General Synod of the United Church of Christ vs. Cooper

On April 28, 2014, marriage redefinition proponents attempted to open “a new front” in the war on marriage by filing a third federal lawsuit challenging North Carolina’s marriage protection laws on the grounds that they violate the “religious freedom” of clergy that wish to perform same-sex “marriages.” The new lawsuit, filed in the Western District of North Carolina in Charlotte, is reportedly the first in the nation to use First Amendment religious freedom claims to challenge a state marriage law in addition to using Equal Protection and Due Process Claims. Plaintiffs in the lawsuit include the General Synod of the United Church of Christ (UCC), several clergy from liberal churches in North Carolina, including the UCC, and several same-sex couples.

Marriage State by State



Targeting North Carolina

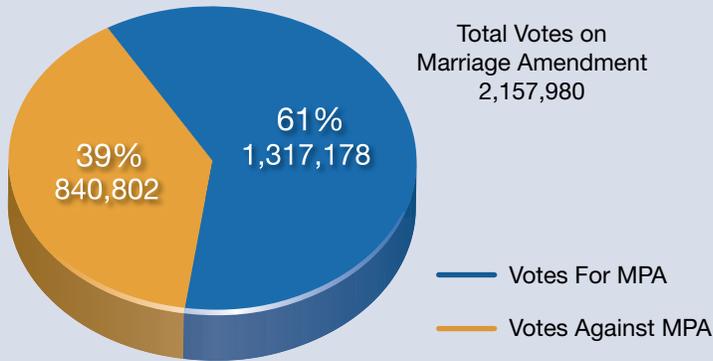
North Carolina was among the first states to be targeted with a marriage redefinition lawsuit immediately following the *Windsor* ruling. At the time, the ACLU described its actions in North Carolina as part of its “post-DOMA, post-Prop 8 [California’s marriage amendment, which was struck down] plan for winning the freedom to marry nationwide.” That plan is aimed at ensuring that a lawsuit dealing with the constitutionality of a state marriage protection law ends up before the U.S. Supreme Court in the next few years. With a total of nine marriage lawsuits currently before federal appeals courts in the Fourth, Fifth, Sixth, Ninth, and Tenth Circuits, it is almost certain that the Supreme Court will consider a marriage redefinition lawsuit in the near future.

So where does North Carolina fit into the big picture of the national battle over marriage, and how

vulnerable are the state’s marriage laws to redefinition by the courts? There are two areas of vulnerability for North Carolina that make it a key target in the effort to redefine marriage: the current Attorney General who favors marriage redefinition, and North Carolina’s inclusion in the Fourth Circuit.

The Defense. North Carolina’s marriage protection laws are being defended by Attorney General Cooper, who served as the keynote speaker at a major fundraiser for Equality NC in November 2013. Although Mr. Cooper is not shy about publicly voicing his personal support for redefining marriage, he has continuously stated that he intends to do his duty to defend the State’s statutes and Constitution. Even so, his public statements against the Marriage Protection Amendment, and his involvement with groups that are seeking to have it overturned, have caused understandable concern among state leaders,

North Carolina Marriage Amendment



2012 Primary Election Official Results. North Carolina State Board of Elections. 13 June 2012.

who fear that he could follow in the footsteps of the attorneys general of several other states, who have refused to defend their state marriage laws because they personally support redefining marriage.

To try to avoid this scenario, in December 2013, President Pro Tempore of the N.C. Senate Phil Berger (R–Rockingham) and Speaker of the N.C. House Thom Tillis (R–Mecklenburg) announced their decision to hire outside legal counsel to advise them on how Attorney General Cooper is handling the defense of North Carolina’s marriage laws. Although the leaders of the General Assembly have not jointly intervened as defendants in the lawsuit—which they have the right to do under legislation enacted in 2013—an attorney with Alliance Defending Freedom (ADF) is providing pro-bono legal services to legislative leaders about the marriage lawsuits.

The Fourth Circuit. This May, a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit will hold a hearing to review a lower court’s decision in *Bostic v. Schaefer*, a federal lawsuit challenging Virginia’s marriage protection laws. In February 2014, a federal district judge struck down Virginia’s marriage laws as unconstitutional, and the Fourth Circuit is expected to issue a ruling later this year on whether or not to allow that lower court decision to stand.

How the Fourth Circuit rules in the Virginia case will impact more than just the marriage laws of Virginia—it will also affect the marriage laws of other states that are in the Fourth Circuit, including North Carolina. That is why, on April 28, Attorney General Cooper filed a request with U.S. Magistrate Judge Peake, asking the court to delay a ruling in the North Carolina marriage lawsuits until the Fourth Circuit issues its decision in the Virginia case. It is also why a coalition of homosexual advocacy groups, including Equality NC, filed an amicus brief in the Virginia case, asking the Fourth Circuit to uphold the lower court ruling. Similarly the Family Research Council, the NC Values Coalition,

and the Liberty, Life, and Law Foundation, filed amicus briefs encouraging the Court of Appeals to reverse the lower court and protect the institution of marriage.

If the Fourth Circuit upholds the federal district court’s ruling in *Bostic v. Schaefer*, there is the possibility that the court could limit its ruling to only Virginia; however, most experts believe the ruling would apply to the marriage protection laws of all states within the Fourth Circuit, including North Carolina.

All Eyes on the Supreme Court

Regardless of how the Fourth Circuit rules in the Virginia case, legal experts on both sides estimate that the constitutionality of state marriage protection laws will reach the U.S. Supreme Court within the next two to three years. For traditional marriage supporters, the hope is that the Court will not allow activists to continue to misuse *Windsor* to force the redefinition of marriage on the nation via the courts. Instead, the high court should reinforce its own acknowledgement of the right of the states to define and regulate marriage, and respect the people’s right to debate and decide how marriage will be defined.

In its opening brief filed with the Fourth Circuit on behalf of a Prince William County clerk of court in *Bostic v. Schaefer*, ADF argued: “that States have the right to define marriage for themselves, that States may differ in their marriage laws concerning which couples are permitted to marry, and that federalism demands deference to state marriage policies.” The ADF brief went on to explain that, “Virginians (no less than citizens in States that have chosen to redefine marriage) have the right to define marriage for their community,” and “[a]ny other outcome would contravene *Windsor* by federalizing a definition of marriage, and overriding the policy decisions of States (like Virginia) that have chosen to maintain the man-woman marriage institution.”

As the 60-plus marriage redefinition lawsuits continue their march toward the U.S. Supreme Court, attorney Kellie Fiedorek, who serves on ADF’s marriage litigation team, advises traditional marriage supporters to stay engaged in the battle.

“We will ultimately win because the effort to redefine marriage is contrary to human flourishing, to the welfare of our children and to our children’s children, and to the truth about men and women,” Fiedorek said recently on the N.C. Family Policy Council’s weekly radio program, *Family Policy Matters*. “I would just encourage folks to... live lives that testify to the beauty of marriage, [and] get engaged in your community... encourage your pastors to speak out and talk about why marriage is important—witness to the truth about marriage!” ❖

Alysse ElHage, M.A., is associate director of research for the North Carolina Family Policy Council and editor of Family North Carolina magazine. For a footnoted version of this article, please visit ncfamily.org.

A close-up, vertical view of the American flag, showing the stars and stripes. The top portion is dark blue with white stars, and the bottom portion is red and white stripes.

2014 GENERAL ELECTION DATES & DEADLINES

GENERAL ELECTION

SEPTEMBER 5

Absentee Voting begins

OCTOBER 1

NCFPC 2014 Voter Guide available

OCTOBER 10

Voter Registration Deadline

OCTOBER 23

One-Stop Voting begins

OCTOBER 28

Last day to request
Absentee Ballot by mail

NOVEMBER 1

One-Stop Voting ends

NOVEMBER 4

GENERAL ELECTION DAY

Last day to return
Absentee Ballot by mail

In an effort to promote civic responsibility and involvement, the North Carolina Family Policy Council will once again produce an impartial and non-partisan Voter Guide to aid voters in their determination of which candidate's positions most closely reflect their own. The 2014 Voter Guide will be available in print and online at ncfamily.org in October in anticipation of the November 4 General Election. The NCFPC will survey candidates running for a variety of offices at the federal and state level seeking their answers on questions related to marriage, adoption, educational choice, gambling, taxation, the sanctity of human life, and a host of other issues. The 2014 Voter Guide will include all candidates running for: U.S. Senate (1 seat), U.S. House (13 seats), N.C. Supreme Court (4 seats), N.C. Court of Appeals (3 seats), N.C. Senate (50 seats), and N.C. House (120 seats). The NCFPC's Voter Guide is arguably the most comprehensive one available in the State. Copies of the Voter Guide are available free of charge for distribution at churches, bookstores, businesses, schools, and other civic organizations.



Creating a Marketplace of Children

A Donor-Conceived Woman Explains the Harms of Third Party Reproduction

by: Alana S. Newman

WHEN I SOLD MY EGGS TO A FERTILITY CLINIC IN SAN FRANCISCO AT THE AGE OF 20, I CHOSE TO DO SO BECAUSE I FELT IT WAS THE ONLY LIFE EXPERIENCE I COULD SHARE WITH MY BIOLOGICAL FATHER, WHO WAS AN ANONYMOUS SPERM DONOR. AT THE TIME, MY UNDERSTANDING OF THE FERTILITY INDUSTRY AND OF THE OVERALL IMPACT OF DONOR-CONCEPTION WAS NOT WELL DEVELOPED. I BELIEVED THAT MORE OPENNESS AND NO ANONYMITY IN THE PROCESS WOULD BE BETTER FOR THE RESULTING CHILDREN. ACCORDINGLY, I BECAME AN “OPEN ID” EGG DONOR, MEANING THAT ANY BIOLOGICAL CHILDREN PRODUCED FROM MY EGGS HAD PERMISSION TO CONTACT ME IN THE FUTURE, IF THEY DESIRED. CONVERSELY, THEIR IDENTITIES WOULD REMAIN CONFIDENTIAL, UNLESS THEY CHOSE TO DISCLOSE THEIR IDENTITIES TO ME. AFTER THE EGG HARVEST, NO ONE FROM THE FERTILITY CLINIC CALLED TO FOLLOW UP WITH ME AND INQUIRE ABOUT HOW I WAS DOING. HOWEVER, THEY DID CALL ME WHEN THEY WANTED MY EGGS AGAIN TO PRODUCE ANOTHER CHILD—A SIBLING TO THE CHILD CREATED FROM MY FIRST CYCLE. WHEN I TOLD THEM I WAS NOT WILLING TO ENDURE THE PHYSICAL TRAUMA OF THE EGG HARVEST AGAIN, BUT THAT I WAS SERENDIPITOUSLY PREGNANT AND HAPPY FOR THE CHILD TO MEET THE HALF-SIBLING I WAS CARRYING, NO ONE RETURNED MY EMAIL.

I REGRET SELLING MY EGGS TODAY, AND REALIZE THAT WHAT I REALLY DID WAS TO SELL MY CHILD, AND MY DAUGHTER’S SIBLINGS. THAT DECISION WILL IMPACT MY DAUGHTER IN WAYS I’M NOT PREPARED FOR, JUST AS MY OWN CONCEPTION IMPACTED ME IN WAYS FOR WHICH MY OWN MOTHER WAS NOT PREPARED.

Today, there is an epidemic in the use of Artificial Reproductive Technologies, which includes, most troublingly, third party reproduction—the use of donated or sold sperm and eggs (gametes), and surrogate wombs. There are several causes of this epidemic, some of which are related to social structure, and/or environmental phenomena, as well as technology. This article is an overview of why third party reproduction is increasingly in demand, how it affects donor-conceived people like myself, as well as society, and why the commercial trade in gametes and surrogacy should be abolished.

“Sell Us Your Children, I Mean Your Eggs”

Sperm banks and egg donation agencies often claim they are not selling children, just *tissue*, but a close look at sperm and egg donor contracts reveals clear language used to declare a transference of

parental rights. Following is an example of such language from a real egg donation contract in Florida:

“Parentage. Donor acknowledges and agrees that the Donated Eggs, resulting Embryo(s), and Child shall always be considered morally, biologically and legally the eggs, embryos, and Child of Recipients. Donor will assert no legal or equitable claim or right of ownership or parental rights to the Donated Eggs, Embryo(s) or Child. The Parties acknowledge and agree that, under STATE law, a child born within wedlock who has been conceived by means of donated eggs or pre-embryos shall be irrefutably presumed to be the child of the recipient gestating woman and her husband.... The Parties also acknowledge and agree that, under *Florida law, a donor of eggs relinquishes all parental rights and obligations with respect to the donation or resulting child(ren)*” [emphases added]

“ [T]he \$8,000 advertised by the fertility clinic made selling my eggs outrageously more attractive than other job options. ”

I sold my eggs in response to a Craigslist ad asking me to “give the gift of life” and “help a couple in need.” Because I was young, and without any other marketable skills, the \$8,000 advertised by the fertility clinic made selling my eggs outrageously more attractive than other job options. I believed that if I sold my eggs as an open ID donor, I would improve the system and make the world a better place. I also envisioned what I could do with that kind of money—record an album or visit Europe. It seemed like a needle-length journey to a whole new social class.

At the egg donation agency, I filled out mountains of paperwork and had my picture taken so strangers could judge the worthiness of my eggs simply by my photographic likeness. I was given no information whatsoever about the intended recipients of my eggs other than their first names. Months later, I emailed the agency to ask if the retrieval was successful, and I was told that yes, there was a pregnancy, and a little boy was born in July of that year.

How the Fertility Industry Markets Anonymous Egg Donation

"Fulfill a couple's dreams—and receive compensation that allows you to live yours! ... Whether you want to take the trip of a lifetime or just add to your savings, becoming an egg donor can put your goals within reach."

—“Becoming an Egg Donor,” Atlantic Reproductive Medicine Specialists, as found at: <http://nceggdonors.com>

"For the next six weeks, I am going to be living a dream! I get to do something I never thought I'd be able to do, financially, that is. I am going to back pack across Europe! How? I gave a couple a precious gift—life—how? ... No, I didn't, like, carry a baby or anything. I made an egg donation! Yeah ... because I am healthy and a nonsmoker, and female in my 20s, I got accepted. \$4500 for a successful cycle!"

—Text from a radio ad for a Raleigh, North Carolina fertility agency, where a young female gushes about how she paid for a backpacking trip across Europe by donating her eggs. Listen to this ad and others here: <http://nceggdonors.com>

With that news, I suddenly realized the gravity of my actions. I had contributed to the creation of a new life—a human being with whom I was intimately and genetically connected. But I could never verify his well being. My open ID status was one-way, and I might not ever be able to meet this child. I realized then that if for some reason I could not have other children, I might literally go insane knowing that another woman was raising my genetic son.

As it turns out, I did marry, and my husband and I will soon deliver our second child. Still, I recognize that the legalese in the contract I signed at the time of my egg harvest has denied my children and me a relationship with their half-siblings.

Infertility Epidemic

Male sperm count has been estimated, by some, to have declined by over 50 percent in the last 50 years. Endocrine disrupting chemicals found in pesticides, plastics, cosmetics and cleaning supplies, as well as synthetic estrogens like the birth control pill, are harmful to reproductive health and normal sexual development. Much of the harm originates from trace amounts of chemicals that negatively impact babies gestating in the womb—sabotaging their reproductive future. My mother's first husband was from rural Missouri, an area that used substantial amounts of pesticides, and where the principal industry was agriculture. He had a condition called Klinefelter's syndrome, which means he had a chromosomal makeup of XXY—rendering him sterile. This is why they chose to use donor sperm for my conception.

The infertility epidemic has resulted in many psychological consequences. Those who are unable to conceive children through natural means often

suffer from embarrassment, low self-esteem, and a reduced sense of masculinity or femininity.

Besides the unintended harm being done to our reproductive capacities in utero, our behaviors and choices about reproduction have changed dramatically since the invention of the birth control pill. Women today have more sexual partners, have fewer children, and are often having children later in life. Marriage and children have become toppings on a life of other achievements, rather than being part of foundational relationships among twenty year-olds.

Women—who have a more limited window of fertility than men—often have especially false expectations regarding family/career balance, and put too much hope in technology to remedy fertility issues. Most women do not realize the quality of their eggs plummets after age 30. They often put too much hope in procedures like in vitro fertilization (IVF), which have a 70.6 percent failure rate, and only result in a live birth in 22.4 percent of cycles. There is emerging evidence that as many as one quarter of all infertility cases are caused by a previous sexually transmitted disease (STD)—a figure that should upset our acceptance of norms brought on by oral contraceptives and The Sexual Revolution.

Reproductive technologies have become a multi-billion dollar industry because there are millions of people who experience some type of barrier to reproduction—clinical or social—and who are willing to pay money to overcome or work around that barrier. Billion dollar industries stem from the human desire to mate and procreate. For example, some use cosmetics (including surgery) to enhance personal appearance, and dating sites like Match.com help people find partners. But some obstacles to procreation are harder to maneuver, including clinical barriers such as low sperm count, a missing or deformed uterus, low quality or lack of eggs, and social barriers such as a lack of attraction to the opposite sex or the inability to attract/maintain a mate of the opposite sex.

Using Women

A conflict arises when these new technologies that purport to overcome these barriers end up denying human rights to the very people they create, and to those from whom the necessary “biological resources” are harvested—most often young women.

The hormones that are injected into women in the process of egg harvesting are known to be associated with cancer development. Surrogate mothers have died “on the job,” proving that pregnancy and childbirth are still dangerous in the 21st century. An American surrogate recently reported being stuck with over \$200,000 in medical bills after nearly dying due to complications from her surrogate pregnancy. The Swiss couple took the two children she carried, but refused to pay for the surrogate's incurred expenses. With surrogacy and egg dona-

tion arrangements, a woman's health and medical care may be undermined because she is not seen as a precious mother and family member, *but as tool, a means to an end, or a two-dimensional service provider.*

The documentary *Eggsploitation*—released by former nurse and mother of four Jennifer Lahl—features interviews with several egg donors who offer frightening testimonials of how young women are seduced and flattered into selling their eggs—only to be over-stimulated with hormones, which sometimes results in strokes and surgical complications. Several of the interviewees are now infertile. Two women in the film developed cancers that had not run in their family—one dying in her early 30s. To date, no one really knows how common these outcomes are, since a long-term study on egg donors has not yet been conducted, despite precedence for such studies in similar areas such as organ donation.

Harms to Children

Besides the risk of physical harm to women who act as egg donors or surrogates, children conceived via third party reproduction often suffer a number of life long harms. These include the threat to their mental health and emotional well being, a distorted sense of values about sex and human relationships, and the denial of basic human rights.

Negative Social Outcomes. The 2009 report, *My Daddy's Name Is Donor*, studied 485 adults conceived via sperm donation and found that:

- Donor conceived individuals are significantly more likely than those raised by their biological parents to struggle with serious, negative outcomes such as delinquency, substance abuse, and depression, even when controlling for socio-economic and other factors.
- Donor offspring are twice as likely as those raised by biological parents to report problems with the law before age 25.
- Donor offspring are more than twice as likely as those raised by biological parents to report substance abuse problems.

Value Endowment. A child whose biological parent was paid to be absent via sperm or egg donation will likely not develop healthy views about human relationships. In my own life, I developed severe behavioral problems that I only recently realized were tied to being donor-conceived. From a young age, I was taught that donor-conception was normal, and I was urged to focus on how much my mother wanted me. This succeeded in establishing an acceptance of donor-conception as a righteous practice. But I struggled with so many questions, including: If it is okay to buy and sell sperm, why is it wrong to buy and sell human organs? If it is okay to buy and sell sperm and eggs, why is it wrong for someone to sell their *born* child? If it is okay to sell one's reproductive capacities, why is it wrong to sell one's *sexual* capacities? And if it is okay to force a child into existence because that child is "wanted,"

“ I was passively taught that fathers are unimportant and men are disposable. ”

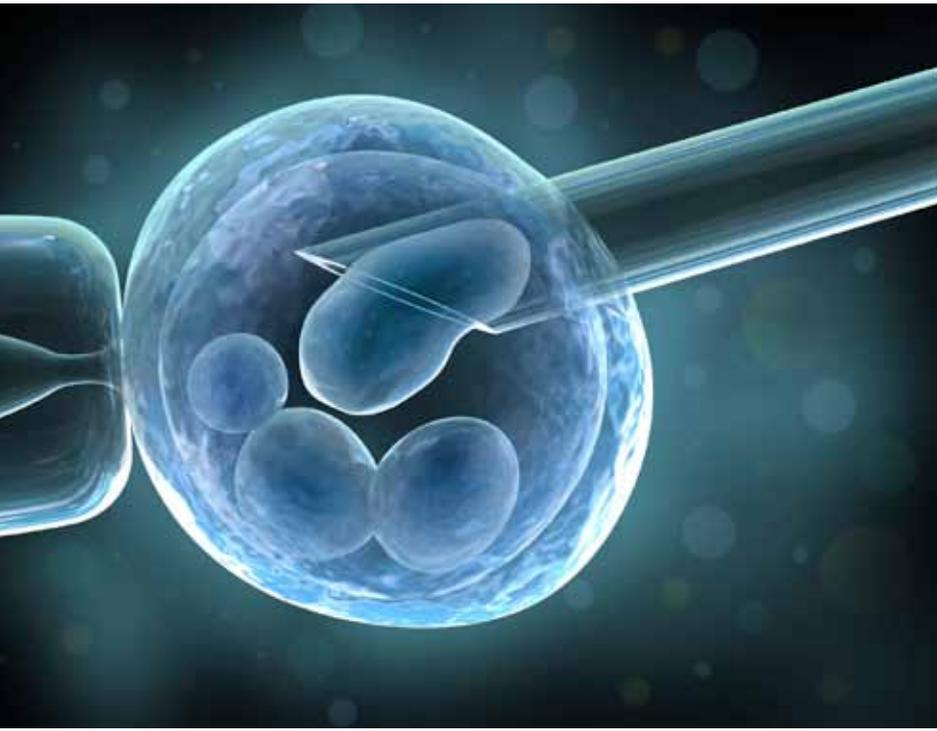
then why is it wrong to force a child *out* of existence because its *unwanted* (abortion)?

I was passively taught that fathers are unimportant and men are disposable. Right about the time I sold my eggs, I was also volunteering at NARAL-California—fighting to keep partial-birth abortions legal. Between efforts to fight for “reproductive justice,” I had broken up with my then-boyfriend, because I had engaged in an illicit relationship with another man. Nonetheless, after it was over, I still believed it was reasonable for me to *ask him for his sperm* for future use.

For me, embracing donor-conception fundamentally corrupted how I viewed sex, relationships, and human value. People became products to use—disposable and reduced to the most shallow of dimensions like IQ, looks, and height. If their existence infringes on our comfort, we may banish them into an anonymous void. In other words, if we do not want to deal with our child's other parent, we can get rid of them from the outset via third party reproduction.

Denying Basic Human Rights. Civil Rights leader Malcolm X successfully argued that African Americans were denied basic human rights when they were separated from their family members, denied knowledge of their heritage, and forced to live as the property of their masters—treated like chattel with dollar values placed on them. Alex





Haley began a movement with his unforgettable 1970's saga *Roots*—which took America on a journey through the corruption of slavery, and made a clear point as to the importance of familial ties and cultural belonging.

Today, through the proliferation of third party reproduction, we are repeating many of these same mistakes.

We deny people their identity, remove their familial heritage, and literally sell them out of their natural family. Only today, through the loophole of sperm and egg donation, we do this before “official” personhood begins. We deny that we are selling

“**At the very least, we can expect a mass degradation of the value and respect traditionally given to mothers as they are reduced to the status of egg donors, gestational carriers, or nannies—perhaps to the extreme Aldous Huxley illustrates in his *Brave New World*.**”

our children, because we write the contracts and exchange the money before the baby is conceived.

As a donor-conceived individual, I have experienced disenfranchised grief over my conception for years, and on many different occasions. The most upsetting of those occasions revolved around the death of my mother's best friend—a man I will call “Tom”—a father of two who died of terminal cancer when his children were still very young. His death was life changing for my mother, and I remember her weeping, and lamenting, “Those poor children—they won't get to have their father.” The community deeply mourned his death. The family hung a portrait of him above their dining room table to help them remember him.

I brought up the disparity in how the loss of my father was treated in comparison to Tom. When I told my mother, “You act like my father doesn't even matter,” she responded, “He doesn't matter.”

Children whose biological parents die are given the tools, time, and permission to grieve. Children whose biological parents are missing via gamete donation are given *none* of these things, and in fact we are expected to be grateful for our situation—grateful to be alive at all.

The Plight of the Fatherless and Motherless

Human beings born via third party reproduction (sperm or egg donation) are deprived of either their father or mother or both. I believe we erroneously assume that because their conception was deliberate that these individuals will be immune to the material and spiritual deprivations caused by their parents' absence.

Much research has already been conducted on the negative effects of fatherlessness on children. For example, 80 percent of rapists come from fatherless homes and most likely act out of displaced anger, as do 75 percent of adolescents in chemical abuse centers. Girls who grow up without their father are 711 percent more likely to become teen moms and 92 percent more likely to divorce. Additionally, 90 percent of all homeless and runaway youth are from fatherless homes. Furthermore, a new study out of Canada shows that girls raised by lesbian parents are only 15 percent as likely to graduate high school compared to girls raised by opposite-sex married parents.

We do not yet know the full consequence of deliberate motherlessness. Historically, the presence of a mother has been understood to be essential for an infant's very survival. At the very least, we can expect a mass degradation of the value and respect traditionally given to mothers as they are reduced to the status of egg donors, gestational carriers, or nannies—perhaps to the extreme Aldous Huxley illustrates in his *Brave New World*. The absence of

mothers and their nourishing, protective forces will not fare well for children.

The Road to Disposable Mothers and Fathers

The sperm bank industry ballooned in part due to the unspoken epidemic of low sperm count. Thus, many heterosexual couples, like my parents, began quietly using commercial sperm. After a while, the industry became more open about using commercial sperm and insisted that biology does not make a difference for a child's well being. Then, lesbian couples began using sperm donors. They argued, *if biology does not matter for a child's well-being, then why should a parent's gender?* They declared that parenting is a set of tasks and obligations, and two women or two men can fulfill those tasks just as well as a married man and woman can. Single-moms-by-choice followed, demanding that we trust women to be able to judge for themselves if they are capable of raising children on their own. Today some sperm banks report that 85 percent of their clientele is comprised of lesbian couples and single women.

Gender equality language was used successfully in the normalization of third party reproduction. Naturally then, same-sex male couples saw lesbian couples being accepted as clients by fertility clinics and began arguing that they had a right to create children of their own through the use of egg donation and surrogacy. Then single-dads-by-choice began using egg donors and surrogates. I believe the fertility industry likely welcomed same-sex male couples and single men whole-heartedly because the egg-donor/surrogate package is the most lucrative service these agents have to sell. Due to the collective cost of third party eggs, IVF, womb rental, legal fees, insurance fees, background checks, and more, one pregnancy can cost between \$50k-300k for a male couple or single man. It used to be that one of the worst things that could happen to children was for them to lose their mothers. Today, the fertility industry stands to benefit the most financially through a process that eliminates the biological mother from the picture entirely.

And so society has arrived at a time and place where mothers are essentially being declared unnecessary. These sentiments in opposition to motherhood (and fatherhood) do not remain private and isolated in practice, because high-profile third party reproduction clients typically generate a lot of press when they create children this way. Celebrity parents via gamete donation and surrogacy typically work very hard to justify their decisions to an uninformed public. Neil Patrick Harris, Perez Hilton, and Elton John went on public relations crusades to announce the birth of their children and offensively shape public opinion. Additionally, the fertility industry itself is a multi-billion dollar industry that

Stories from Donor-Conceived Individuals, Courtesy of the Anonymous Us Project

"My father and my dad are two different people. You see, my dad raised me, changed my diapers, played catch with me, and taught me how to drive a car. Whereas my father needed a little extra money one semester of college and thought an easy way of doing so would be to donate his sperm."

"I don't know if I will ever know who I look like. Someone out there gave me life, gave me half of my genes, and I may never know who that is. I really wish I could know this, more than anything. I wish I knew my biological father."

"Everyday, and I do mean every single day, I think about you.... And I think the worst day of the year is Father's Day.... I write two cards every year. One to my legal father, and one to you. And no one knows about the second card except for me.... [Y]ou are the literal half of me that can never be taken away."

<http://anonymousus.org/stories/index.php?cid=2#.UxqOoRZ6ejk>

spends a lot of money marketing these services and framing their business in a positive light.

Society cannot logically hold fathers (or mothers) as *both* disposable and valuable at the same time. Either mothers and fathers are precious and essential human beings who are worth mourning in their absence, or else they are not.

Next Steps

There is more to be explored here, especially in the realm of psychological difficulties that donor-conceived individuals suffer. I urge policy-makers to pause and think twice about the *generational* impact that policies friendly to the fertility industry will have. It is important to look past the snapshots of smiling four-year-olds in the fertility clinic brochures. Opposition to third party reproduction need not be viewed as a bigoted objection to a specific child's very existence. Rather, opposition to third party reproduction will serve to protect generations of individual children and parents from a life of pain, loneliness, guilt, and physical, psychological, and emotional struggle.

Let me be clear. Fathers and mothers are both essential—as is the right to be born free, without a price tag and with full access to one's heritage. The crisis of infertility is not getting better any time soon, and the desire people have to reproduce will continue to increase demand for third party reproduction. But surrogacy and the gamete trade are not real solutions to infertility, and will only create more problems—*expensive* problems.

Efforts should be made to truly cure and prevent infertility, rather than expanding a marketplace of children. ❖

Alana Newman is a fertility industry watchdog, founder of AnonymousUs.org, an online story-collective for third party reproduction, and editor of The Anonymous Us Project: Volume 1. For a footnoted version of this article, please visit ncfamily.org.

TRAIL LIFE USA



On my honor, I will do my best to serve God and my country; To respect authority;
To be a good steward of creation; And to treat others as I want to be treated.

Trail Life USA officially launched on January 1, 2014 as “an outdoor scouting-like program designed for boys ages 5-17 which will focus on adventure, character and leadership.” The organization’s founding came about in response to the Boy Scouts of America’s (BSA) controversial decision to change its membership policy to include openly homosexual youth, beginning in 2014. The Trail Life USA membership policy states that “all boys are welcome to the program, regardless of religion, race, national origin or socio-economic status,” but also notes that “adult leaders in the program will be Christian and must sign a statement of faith and submit to background checks. Both boys and adults will be required to adhere to a code of conduct.”

Founded by a coalition of national and regional groups led by OnMyHonor.net, Trail Life USA models many of the strengths of BSA, such as having Christian churches and other faith-based groups charter troops that are led by leaders who adhere to a Christian statement of faith based on the Biblical worldview. Similarly, boys and young men involved in the Trail Life USA program will “take part in a camping program, leadership development, rank advancements, awards, a trail badge program, community service, summer adventures, spiritual training, and a variety of special program offering.” Additionally, existing BSA ranks, awards, merit badges, and training may be transferred to comparable Trail Life USA programs.

VISION

Our vision is to be the premier national character development organization for young men which produces Godly and responsible husbands, fathers, and citizens.

MISSION

Our mission is simple and clear: to guide generations of courageous young men to honor God, lead with integrity, serve others, and experience outdoor adventure.

MOTTO

“Walk Worthy”

Colossians 1:10 “... that you may walk worthy of the Lord, fully pleasing Him, being fruitful in every good work and increasing in the knowledge of God;...”

STATEMENT OF FAITH

We believe there is One Triune God – God the Father; Jesus Christ, His one and only Son; and the Holy Spirit – Creator of the universe and eternally existent. We believe the Holy Scriptures (Old and New Testaments) to be the inspired and authoritative Word of God. We believe each person is created in His image for the purpose of communing with and worshiping God. We believe in the ministry of the Holy Spirit, Who enables us to live godly lives. We believe each of us is called to love the Lord our God with all our heart, mind, soul, and strength, and to love our neighbors as ourselves. We believe God calls us to lives of purity, service, stewardship and integrity.



NORTH CAROLINA

22 fully chartered groups

27 pending troops that are pre-chartered

5 geographic areas

2 of the 6 national board members are from North Carolina

Jeff Hudson - At age 22, Jeff began his career as a town manager. Over the next 20 years he held increasingly responsible government positions, culminating in his current job as County Manager of one of the largest and fastest growing counties in North Carolina. He holds undergraduate and graduate degrees in public administration and has specialized in organizational development and leadership. Until recently, he served as a leader in his local Cub Scout Pack. Jeff led the initial program team that created the Woodlands Trail Unit. He has been ordained as a deacon by his local church and has been married to his wife Angela for nearly 18 years. Together they have one son (a future Woodlands Trail Mountain Lion) and live in Jacksonville, North Carolina.

Shawn Anderson - Shawn is an Eagle Scout who has been involved with Boy Scouts for 35 years as a summer camp staff member, Cubmaster, Scoutmaster, Crew Asst Advisor, Ship Committee, and Troop Committee. He also served in the Marine Corps for 10 years as a police officer and computer crime agent. He has lived in the DC area for 16 years with his wife and his two Eagle Scout sons.

HOW TO FIND A TROOP

1. Use the "Find a Troop" feature on the Trail Life USA website to assist you in locating troops near your community: <http://www.traillifeusa.com/start-a-troop/troop-locator/>

2. Approach your church to see if they are interested in starting a troop as part of their community outreach. Let Trail Life USA know, and they will help.

3. Network with other families in your area that have a similar interest and see if their church might step up to charter a troop in your town.

STATEMENT OF VALUES

Purity — God calls us to lives of holiness, being pure of heart, mind, word and deed. We are to reserve sexual activity for the sanctity of marriage, a lifelong commitment before God between a man and a woman.

Service — God calls us to become responsible members of our community and the world through selfless acts that contribute to the welfare of others.

Stewardship — God calls us to use our God-given time, talents, and money wisely.

Integrity — God calls us to live moral lives that demonstrate an inward motivation to do what is biblically right regardless of the cost.

While the program is undergirded by Biblical values and unapologetically reflects a Christian worldview, there is also a clearly defined inclusion policy for youth. Accordingly, all boys are welcome irrespective of religion, race, national origin or socio-economic status. Our goal is for parents and families of every faith to be able to place their boys in a youth program that endeavors to provide moral consistency and ethical integrity in its adult leaders.

Trail Life USA is a Christian adventure, character, and leadership movement for our nation's young men. Our exciting K-12 program centers on outdoor experiences that build a young man's skills and allow him to grow on a personal level and as a role model and leader for his peers.

Our Christ-centered program is chartered by churches and organizations and led by high caliber Christian adults using a specifically biblical worldview as our standard.

AGE GROUPS & ACTIVITIES

Woodlands Trail - Kindergarten through 5th Grade:

- Foxes – Kindergarten to 1st grade
- Hawks – 2nd to 3rd grade
- Mountain Lions – 4th to 5th grade

Navigators – 6th to 8th grade

Adventurers – 9th to 12th grade

Guidon Units - 18 to 25 years old.

There are monthly community outings for the younger boys. Middle schoolers become experts on outdoor skills and enjoy a monthly adventure. High school boys will also focus on high adventure, travel options, and special "Freedom Experiences."

Summer Adventure

Trail to Freedom that will allow boys to transfer badges earned on the BSA's Trail to Eagle.



Plan B

The Indefensible Attack on Our Daughters

written by:
**Mary
Summa,
J.D.**

THE BOYFRIEND INFORMS THE PHARMACIST THAT HE IS 33 YEARS OLD AND HIS GIRLFRIEND IS 15; THAT THEY ARE ENGAGING IN SEXUAL RELATIONS; AND THAT HE WANTS TO PURCHASE PLAN B (AN EMERGENCY CONTRACEPTIVE). THE PHARMACIST SELLS PLAN B TO THE BOYFRIEND WITHOUT HESITATION. THE BOYFRIEND ASKS THE PHARMACIST IF THERE IS A WAY HE CAN GIVE THE POWERFUL DRUG TO HIS GIRLFRIEND WITHOUT HER KNOWING IT. THE PHARMACIST SUGGESTS DISSOLVING PLAN B IN ORANGE JUICE TO AVOID DETECTION.

Between August and September 2013, Students for Life (SFL) went undercover in 30 Walgreens, Rite-Aid, and CVS stores, where one student posed as the boyfriend and another volunteer posed as his girlfriend. With a hidden camera, SFL recorded their purchases of Plan B, including the previously described encounter. These stores were located in states that consider sexual activity between a 33-year-old male and a 15-year-old female a crime carrying a possible punishment of six months to 20 years in prison.

For years, Planned Parenthood and other radical abortion advocates have intensely pressured legislators to increase access to abortion and con-

traception for any reason and at any age. Almost since the introduction of emergency contraception on the market as a prescription drug, these same groups have poured millions of dollars into lobbying and litigation to make all emergency contraception an over-the-counter drug without any restrictions. Coupled with extensive lobbying efforts from Plan B's manufacturer, in 2013, they achieved their goal and declared it to be a victory for women. Plan B is now available to anyone, male or female, at any age.

This "victory for women" is actually the latest assault upon them. Mounting evidence shows that easier access to Plan B does not reduce pregnancies or abortions. Rather, it exposes women and girls to the risk of long-term health problems and even death. Furthermore, it isolates young girls from their parents and could be used to "cover up" statutory rape and abuse.

What is Plan B?

Plan B-One Step is the brand name for levonorgestrel, a synthetic progestogen used in "emergency contraceptives." When taken, Plan B-One Step acts in one of three ways: (1) by preventing ovulation (the release of an egg from the ovaries); (2) by preventing fertilization (the union of the egg and the sperm); or (3) by preventing implantation (the fertilized egg from attaching to the uterus). Plan B-One Step was approved by the FDA in 2009. Its predecessor, Plan B—a two-step "emergency contraceptive"—was approved by the FDA in 1999. Both Plan B and Plan B One-Step (both are referred to generally in this article as Plan B) were initially approved as prescription drugs.

Plan B is not the only "emergency contraceptive" on the market. Worldwide, 144 countries allow the distribution of emergency contraception containing levonorgestrel, and 40 manufacturers produce and market the drugs. Outside the United States, a number of brands are sold as emergency contraception, including Plan B, Levonelle, NorLevo, Aptoeket, and Escapelle. In the United States, in addition to Plan B, other products are marketed and sold as "emergency contraceptives," including: Ella; Levonorgestrel Tablets, and two generic brands—Next Choice One Dose and My Way. Next Choice One Dose and Levonorgestrel Tablets are progestin-only products, similar to Plan B. Until at least 2016, however, Plan B will be the only "emergency contraceptive" sold in U.S. pharmacies without an age or prescription requirement.

Abortifacient Properties. It is important to note that Plan B is different from RU-486, the chemical abortion drug. Unlike Plan B, RU-486 can also kill an implanted embryo by starving it to death. It is noteworthy that Ella, marketed as an "emergency contraceptive," has the same chemical composition as RU-486. Plan B (and other drugs with the same chemical composition) can also act

as an abortifacient by preventing the implantation of a fertilized egg. Recent studies indicate that it is not only possible, but probable, that Plan B acts as an abortifacient. Dr. Lusto Aznar, Director of Life Sciences at the Catholic University of Valencia in Spain, believes that in half of the cases where it is used, the European version of Plan B acts as an abortifacient.

Side Effects. In addition to the concerns about its abortifacient properties, Plan B's common side effects include: excessive bleeding, vomiting, dizziness, delayed menses, diarrhea, and, possibly, ectopic pregnancy. Overuse can cause significant weight gain, high blood pressure, an increased risk of ectopic pregnancy, gall bladder disease, depression, and ovarian cyst enlargement.

There have been no long-term studies on Plan B, but according to Drugs.com, the drug interacts negatively with 197 other drugs. Patients with thyroid disease, liver disease, diabetes, and heart disease who use Plan B should be monitored. The FDA is currently reviewing whether the drug is ineffective on women weighing more than 176 pounds, and less effective on women weighing more than 165 pounds. In late 2013, a French manufacturer of the European version of Plan B received approval to change its packaging information, warning that the drug is not recommended for women weighing 165 pounds or more.

Plan B and the “Sweet Deal”

In 1999, the Food and Drug Administration approved Plan B as a prescription drug. Within two years, efforts were being made to reclassify Plan B as an over-the-counter drug, either by FDA approval or court mandate. In 2009, Judge Edward Korman of the Western District of New York mandated that Plan B be available over the counter to women 17 years and older. Girls younger than 17 still had to obtain a prescription. On December 7, 2011, the FDA decided that Plan B should be made available over-the-counter to anyone of any age, but that decision was blocked by the Obama Administration. Both U.S. Department of Health and Human Services Secretary Kathleen Sebelius and President Barack Obama expressed concerns about young girls' unfettered access to emergency contraception. On April 4, 2013, Judge Korman ordered that all emergency contraception (generic and branded) be available over-the-counter without age or gender restrictions. The Justice Department appealed. The FDA on April 30, 2013 approved the sale of Plan B without a prescription to females 15 years of age and older. On June 10, the Justice Department withdrew its appeal of Judge Korman's decision for unlimited availability on the condition that the approval of only Plan B-One Step, as an over-the-counter drug for all ages and genders, satisfied the Judge's order. Judge Korman agreed to this “sweet deal” for Plan B-One Step manufacturers.

The “Experts” Were Wrong

For years, the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Academy of Pediatrics, have poked and prodded the Administration and the FDA to approve emergency contraceptives as over-the-counter drugs. They have promoted the unsubstantiated claims that easier access to emergency contraceptives would decrease unintended pregnancies and decrease abortions. In 2005, the American Academy of Pediatrics (AAP) argued that over-the-counter access to emergency contraceptives could reduce the unintended pregnancy rate by half and in doing so, could reduce abortions. In 2006, Planned Parenthood issued a press release that claimed early access to emergency contraceptives could eliminate 1.7 million unintended pregnancies, and 800,000 abortions each year.

The predictions of the AAP and Planned Parenthood proved to be wrong. Not a single study demonstrates that emergency contraceptives have decreased pregnancy and/or abortion rates. Furthermore, the American College of Pediatricians, a socially conservative association of pediatricians, has argued that a study in England and Wales shows a trend “toward an increased rate of teen pregnancies” after emergency contraception became widely available.

Additionally, research in the U.S. and abroad shows an alarming increase in the rate of STDs. One study in England found that while pregnancy rates remained the same for girls under 16, where emergency contraception was easily available, STD rates increased by 12 percent. According to Lifesitenews.com, government statistics in the U.K. show that the STD rate among teens under age 16 surged 58 percent between 2006-2011.

Those results were repeated in a U.S. study that appeared in the December 5, 2012 edition of *Economic Inquiry*. The FDA approved access to emergency contraception without a prescription in 2006. Washington State implemented a program giving pharmacy access to females 17 and older in 1998. Researchers found a significant increase in STD

“Not a single study demonstrates that emergency contraceptives have decreased pregnancy and/or abortion rates.”

rates among females in Washington State after the State allowed over-the-counter distribution of emergency contraception to women over age 17. Again, the author found no change in abortion or birth rates during the same time period.

Increase in Sexual Activity

With increased rates of STDs, researchers have begun questioning whether easy access to emergency contraception has increased sexual activity among teenagers. In a study published in *Contraception* in 2008, researchers studied whether improving access to emergency contraception affected “pregnancy risk behavior,” and concluded that unrestricted access to emergency contraceptive pills (ECPs) “may have” increased sexual activity. Most recently, in a November 2013 report issued by the Office of Population Research at Princeton University, James Trussell, a strong supporter of accessible emergency contraception and a member of the National Medical Committee of Planned Parenthood, raised the same concern. Trussell wrote, “...reanalysis of one of the randomized trials suggests that easier access to ECPs may have increased the frequency of coital acts with the potential to lead to pregnancy.”

Sexual Predators

Another concern about emergency contraception is its potential misuse by adult men who are sexually involved with minor girls and provide them with the drug to hide any traces of criminal activity, including statutory rape. The drug’s nonprescription status means that adult men can purchase Plan B for their minor girlfriends without parental consent or knowledge.

This is a very real concern. According to statistics cited by Advocates for Youth, it is estimated that among girls younger than 15 who have given birth, 39 percent of the fathers are between the age of 20 and 29. Among impregnated 11 and 12-year-old

girls, the fathers are an average of 9.8 years older; and among 13 to 14-year-old girls who become pregnant, the fathers are, on average, 4.6 years older. In most of these cases, the sexual activity between these young girls and older men would be considered criminal behavior, and these men could be imprisoned if found guilty.

These criminal laws have been enacted to try to protect young women from sexual predators. To provide additional protection, some states require health care providers and others to report suspected cases of sexual conduct with minors. Making Plan B available over-the-counter eliminates a critical opportunity for a doctor to consult with a young woman and stop a cycle of sexual exploitation or—in states requiring it—to report it to law enforcement for criminal prosecution.

Unknown Effects on Children

Despite Plan B’s over-the-counter status, the FDA has never conducted studies on its effect on women under the age of 17, raising concerns about the drug’s long-term impact on girls. The Executive Director of the American Association of Pro-Life Obstetricians and Gynecologists, Donna Harrison, expressed concern that the drug can cause “significant fertility problems later.” Additionally, concerns have been raised that frequent use of Plan B could retard bone deposition, which could lead to osteoporosis.

Ectopic Pregnancy Risk

Ectopic pregnancy describes a condition where the fertilized egg attaches to a site other than the endometrial lining of the uterus. Usually, in an ectopic pregnancy, the fertilized egg attaches to the inner lining of the fallopian tube, potentially leading to infertility, internal bleeding and even death, if left untreated. This condition remains a leading cause of death among pregnant women in the first trimester, and occurs in approximately two percent of all pregnancies.

Some doctors believe that using Plan B may expose a patient to a much higher risk of an ectopic pregnancy than previously thought. In a public letter to the FDA, Dr. Elizabeth Shadigian, a gynecologist and President of the American Association of Pro-Life Obstetricians and Gynecologists, cited a warning issued to British physicians in 2003 by the United Kingdom’s Department of Health after “post-marketing surveillance” showed “201 EC failures were found to contain twelve ectopic pregnancies.” Shadigian pointed out to the FDA that this six percent rate of ectopic pregnancy was “triple the expected rate for both the UK and the US.” According to the British publication, *MailOnline*, a similar finding in Britain has prompted the Government’s Chief Medical Officer to tell doctors to make sure patients are aware of the risk. Doctors in Britain are warned to be particularly attentive to women who have suffered a previous ectopic pregnancy, those



with pelvic inflammatory disease, or those who have had surgery on their fallopian tubes. “

Trampling Parental Authority

Imagine the following scenario. A 14-year-old girl is dropped off at school, and she does not feel well. She goes to the nurse for an aspirin, and the school nurse refuses because the girl’s parents failed to sign a permission slip. The next day, she goes back to the school nurse, and is given the Plan B “emergency contraception” drug, even though her parents have not been notified and have not consented.

That is exactly what is happening in New York City under the CATCH Program, where according to news reports, 40 separate school-based health centers have doled out over 27,000 doses of emergency contraception over the past five years, almost 13,000 doses during the 2011-2012 school year. Despite a poll in 2012 showing that 54 percent of parents do not want the program, it continues unabated.

Traditionally in this country, parents, not the government, have made medical and legal decisions on behalf of children. Children could not enter into legal contracts, nor could they consent to medical treatment. For most of this country’s history, the courts have upheld the authority of parents to make decisions on their children’s behalf.

In the past few decades, however, the government has chipped away at parental authority. Children in every state can be tested and treated for STDs. Many states explicitly permit all or some minors to obtain contraceptives without any parental notification or consent. In North Carolina, parents must provide consent for their child to lay on a tanning bed, or have a body piercing (other than their ears), but parents have no right to consent to testing, diagnosis, or treatment for pregnancy, STDs, drug or alcohol abuse, or mental health problems. Parents—who have the greatest interest in their children’s well-being—have been stripped of their authority to make these medical decisions on behalf of their children.

Plan B poses great risks to girls, certainly more than body piercing or tanning beds. Unfettered access to Plan B isolates them at a time when they need their parents most. Proponents of easy access to abortion and contraception have always argued that the parents are replaced with a “caring” adult. Offering Plan B to women without the intervention of even a health care provider strips young girls of any guidance and oversight at a time when they are most vulnerable.

Consider the 14-year-old girl referenced above who has obtained Plan B through a school nurse at a school-based health center. What happens when she experiences the symptoms of an ectopic pregnancy or other complications related to taking Plan B and her parents and/or primary care provider have no knowledge of it?

Next Steps: Suggestions for North Carolina

1. Require prescriptions and parental consent for emergency contraceptives, including Plan B, for girls 16 and younger, and require government issued identification for females 17 and older. Prescriptions are already required for Next Step and My Way, the two generic emergency contraceptives sold in U.S. markets. Mandating prescriptions for over-the-counter drugs at the state level is not new. New York recently enacted a law requiring a prescription for any person under the age of 18 for all over-the-counter drugs containing Dextromethorphan, a drug found in cough and cold medications, including Robitussin and Nyquil. Adding parental consent will provide a minor with oversight by a parent, as well as a doctor’s involvement in case of adverse reactions to the drug.

2. In the alternative, for minors, bring Plan B behind the counter and require parental consent. Thirty-eight states, including North Carolina, require parental consent, notification or both, before a minor can obtain an abortion. Many states still require parental consent for contraceptives for some minors. Bringing the drug behind the counter would also provide the pharmacist with the opportunity to inform the young girl and her parent about the risks, signs of an ectopic pregnancy, that the drug can act as an abortifacient, and the possible adverse reactions of the drugs with other medications, alcohol, etc.

3. Give specific conscience protection to pharmacists and pharmacies. A growing number of states have enacted laws expressly protecting pharmacists and pharmacies from being forced or coerced into dispensing or selling emergency contraceptives in violation of their deeply held moral, religious or ethical beliefs. North Carolina should amend its health care conscience protection law to ensure that pharmacists and pharmacies are not forced or coerced into dispensing or selling emergency contraceptives, including abortifacients, against their conscience.”

The Price of Silence

Dietrich Bonhoeffer, a Protestant theologian, was one of the few Germans who saw Hitler for what he was and stood up to him. In scolding the German people, he stated, “Silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak. Not to act is to act.” Few listened, and history has told the rest of the story.

For over 40 years, American society has listened to the cacophony of cries from the “reproductive rights” crowd that abortion is a right, and that unborn babies have no right to live unless they are wanted by their mother. Many have remained silent. Many have remained still, while our daughters have believed the lies, undergone abortions, and lived with the horror of having murdered their own child.

Plan B is the latest arrow in the quiver of the pro-abortion industry. It is time to stop cowering to these peddlers of destruction and stand up for young women by requiring Plan B to be prescribed, and involving parents in the process. The lives of young women are at stake. Silence is no longer an option. ❖

Mary Summa, J.D., is an attorney in Charlotte, North Carolina, who served as Chief Legislative Assistant to U.S. Senator Jesse Helms during the 1980s. For a footnoted version of this article, please visit ncfamily.org.

Briefs

Legal Actions Across North Carolina

compiled by:
**Brittany
Farrell**

Justice for Dr. Mike Adams

On March 20, 2014, after a seven-year legal battle, a federal jury ruled unanimously in favor of Professor Mike Adams in his religious discrimination lawsuit against the University of North Carolina at Wilmington. Professor Adams sued his employer for discriminating against him because of his religious and political views. In *Adams v. The Trustees of UNC-Wilmington*, the jury in the U.S. District Court for the Eastern District of North Carolina, Southern Division considered whether the University discriminated against Dr. Adams by denying him a promotion because of his personal views. On April 9, the Court ordered UNC-Wilmington to “confer upon plaintiff full professorship as of the date of this order, with pay and benefits in the future to relate back to August 2007, when plaintiff’s 2006 promotion application would have gone into effect had it been successful.”

Dr. Adams, who is a criminology professor at UNC-Wilmington and a popular conservative commentator, filed a lawsuit against UNC-Wilmington in April 2007 with the help of Alliance Defending Freedom (ADF). According to ADF, after Dr. Adams converted to Christianity from atheism, he was “subjected to intrusive investigations, baseless accusations, and the denial of promotion to full professor even though his scholarly output surpassed that of almost all of his colleagues.”

In March 2010, the U.S. District Court for the Eastern District of North Carolina ruled that



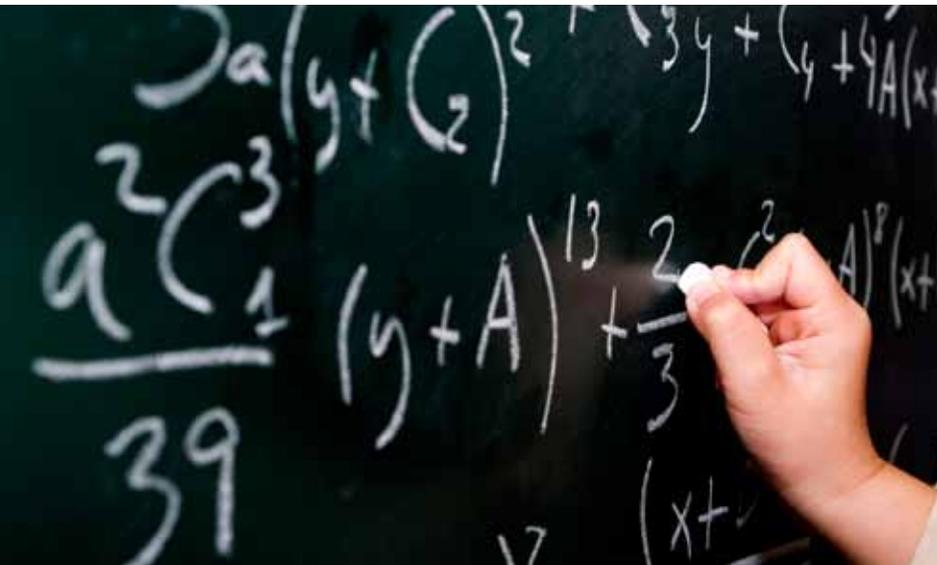
Professor Adams’ national syndicated columns are not protected by the First Amendment but represent “official” speech because he referred to them in a promotion application. In April 2011, the U.S. Court of Appeals for the Fourth Circuit disagreed with the district court, ruling that, “no individual loses his ability to speak as a private citizen by virtue of public employment...” The Fourth Circuit sent the case back to the district court, which ruled in March 2013 that there was sufficient evidence for a jury trial in the case.

In his *Townhall.com* column on March 17, 2014, Dr. Adams wrote that he intends to urge the North Carolina Senate to pass “a religious liberty bill modeled on one already passed in Ohio” that would prevent “UNC administrators from interfering with the belief requirements for officers and members of religious and all other belief-based student organizations.” A version of that legislation, House Bill 735—Student Organizations/Rights & Recognition, passed the North Carolina House during the 2013 session but was never considered by the Senate, so it is still eligible for consideration during the 2014 Short Session, which begins this May.

Judge Halts N.C. Scholarship Program

A Superior Court judge suspended North Carolina’s new education Opportunity Scholarship program only days before recipients were to be notified of their acceptance. On February 21, Wake County Superior Court Judge Robert Hobgood issued an injunction halting implementation of the program while a lawsuit filed by the North Carolina Association of Educators and the North Carolina School Boards Association makes its way through the courts. Supporters of the program appealed to the N.C. Court of Appeals to have the injunction lifted, but on April 2, the Appeals Court refused to consider the request, leaving the injunction in place. After Attorney General Roy Cooper did not appeal the injunction (saying that he would defend the lawsuit on the merits), N.C. Senate leader Phil Berger (R-Rockingham) and N.C. House Speaker Thom Tillis (R-Mecklenburg) filed a motion to intervene to appeal the injunction.

In 2013, the N.C. General Assembly appropriated \$10 million to help parents in eligible lower-income families receive scholarship grants of up to \$4,200 per child to pay for tuition and fees at private schools beginning in the 2014-15 school year. To qualify, students must currently attend a public school and be eligible to receive free or reduced



lunch. Parents may apply for scholarships for more than one child, but the parent's name will only be entered once into a random selection lottery. If a parent's name is selected, all eligible children on their application will be eligible for a scholarship. *The News & Observer* reported that over 4,700 applications were submitted for the scholarships. Recipients of the roughly 2,400 scholarships, determined by random lottery selection of eligible applicants, were scheduled to begin being notified on March 3.

Fourth Circuit Strikes N.C. "Choose Life" Plates

A federal appeals court ruled in February that North Carolina cannot offer a license plate bearing the pro-life message, "Choose Life," because the state does not also offer an alternative license plate with a pro-abortion message. In a unanimous opinion issued February 11, a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit found that North Carolina's "Choose Life" license plates represent "blatant viewpoint discrimination squarely at odds with the First Amendment." This decision follows a similar ruling by a federal district court.

The Fourth Circuit's conclusion contradicts a 2006 ruling by the U.S. Court of Appeals for the Sixth Circuit in an almost identical case. In its decision, the Sixth Circuit upheld the constitutionality of Tennessee's Choose Life plates, despite the fact that the state does not offer an alternative pro-abortion plate.

Pro-life drivers in North Carolina started applying for the "Choose Life" plate soon after the General Assembly approved it in 2011, along with about 70 other specialty plates. After nearly a decade of efforts to gain legislative approval, the "Choose Life" plate was added to the list of nearly 150 specialty license plates available to North Carolina drivers. The money generated by the sale of the "Choose Life" license plates would be earmarked for the Carolina Pregnancy Care Fellowship. According to the authorizing legislation, these funds shall be distributed annually, "to nongovernmental, not-for-profit agencies that provide pregnancy services that are limited to counseling and/or meeting the physical needs of pregnant women ... and shall not be distributed to any agency, organization, business, or other entity that provides, promotes, counsels, or refers for abortion...."

Almost immediately after the "Choose Life" plates were approved, the American Civil Liberties Union of North Carolina Legal Foundation turned to the courts in an effort to stop the issuance of the plates.

As recently as 2008 and 2009, federal appeals courts have ordered and upheld the issuance of "Choose Life" plates in Arizona and Missouri. Additionally, lawsuits seeking to overturn the specialty license plates in Florida and Tennessee have ultimately failed. In 2004, the Fourth Circuit held that a similar law authorizing "Choose Life" license plates in South Carolina was unconstitutional

“As recently as 2008 and 2009, federal appeals courts have ordered and upheld the issuance of “Choose Life” plates in Arizona and Missouri.”

viewpoint discrimination, because the legislature authorized only one viewpoint. Since that time, the South Carolina General Assembly has addressed the concerns of the court, and Choose Life plates are now legal in the Palmetto State.

If the State decides to proceed further, it may seek to have the decision reviewed by an “en banc” hearing of the full Fourth Circuit Court or ask the U.S. Supreme Court to review the case.

NCFPC Supports WRTK Appeal

North Carolina Attorney General Roy Cooper has appealed a January ruling by a federal district court that the ultrasound portion of the state's Woman's Right to Know Act (WRTK) is unconstitutional. This action occurred after U.S. District Court Judge Catherine Eagles ruled on January 17 that the WRTK provision that requires abortion providers to display and describe ultrasound images to all women seeking abortions violates the First Amendment rights of abortion providers and abortion-minded women.

On January 30, the North Carolina Family Policy Council sent letters to both Governor Pat McCrory and Attorney General Roy Cooper, urging the State of North Carolina to appeal that ruling. Governor McCrory told the media that he does not support an appeal of Judge Eagles' decision.

The NCFPC's letters to Gov. McCrory and Attorney General Cooper explain that the ultrasound provision “is designed to ensure that a woman considering an abortion has access to the entire complement of information that is available and necessary to achieve fully informed consent.” The letters cite a 2012 decision by the U.S. Court of Appeals for the Fifth Circuit, which determined that similar provisions in a Texas state law were constitutional.

Additionally, on March 27, a unanimous panel of the U.S. Court of Appeals for the Fifth Circuit reversed a lower court's decision and allowed Texas' sweeping pro-life law to go into effect with the exception of a minor provision related to abortion clinics that are awaiting a response regarding their admitting privileges at a hospital. ❖

Brittany Farrell is assistant director of policy for the North Carolina Family Policy Council and associate editor of Family North Carolina magazine. For a footnoted version of this article, please visit ncfamily.org.

On Air With Amber Lehman



Amber Lehman is CEO of First Choice Pregnancy Solutions in Wake Forest, North Carolina. The organization's mission is to communicate accurate and truthful information to women and men who are affected by unplanned pregnancy, and to provide them with spiritual, emotional and physical support. Amber holds a BA in Biblical Studies, and a certification in Nonprofit Management from Duke University. She is currently completing her MA in Christian Ethics, which is focused on Nonprofit

Management Best Practices for Pregnancy Center Ministries. Her academic training, spiritual and professional mentorship, and her personal experience with abortion contribute to her passion and desire to equip and empower women to choose life through strong and sustainable pregnancy center ministries.

The following is an edited transcript of an interview with Amber Lehman that was conducted by John Rustin, president of the North Carolina Family Policy Council. An edited version of this interview aired in January 2014 on the Council's weekly radio program, "Family Policy Matters." Amber discussed her personal history with unplanned pregnancy and abortion, and the life-saving work of pregnancy resource centers. This interview can be heard at <http://www.ncfamily.org/radioshowarchives2014.html>.

John Rustin: Amber, you really bring a unique perspective to your work at the pregnancy resource center. And so I want to start with your personal testimony, which includes a history with both unplanned pregnancy and abortion. Share with us your personal experience with abortion, if you will.

Amber Lehman: Well John, it's been a long time, but I was a 15 year-old girl when I found myself pregnant—it was just before my 16th birthday, and I went home to my mother, who was a church-goer, and I expected her to tell me I had to have the baby. And she ... told me that whatever I chose, she would support me. And so at that time, living with her as a single mom and just kind of barely keeping the lights on, I made the decision to abort. And so just after my 16th birthday, my mother drops me off at the abortion clinic, my boyfriend's mother picked me up, picked up my prescriptions, and dropped me off at home, and I sat there, and I thought, "wow this feels pretty yucky." And so I consciously hardened my heart—that is how I can describe it now that I am a believer and know what to call it. I consciously hardened my heart to those feelings until about eight years later, when Christ got a hold of me, and my eyes were opened to the fact that I had not just had an abortion procedure, but I had taken the life of my baby [who] had organs and a heartbeat. And so that began my

journey with Christ in becoming healed through Him. And then, through the years, He grew my compassion and passion for both the mothers and the unborn in this issue.

JR: Wow, well I appreciate you sharing that with us. I am sure it must be something that has really impacted your life in very significant ways, and I imagine that having gone through that yourself enables you to really communicate and to reach out with a real, as you say, compassion to young women who are going through similar circumstances.

AL: Yeah. I think that I'm able to lead my staff in seeing the merciful side of it. You know, when you look at somebody's situation, you can see why they are leaning toward abortion. Without a conviction for life, an abortion is so readily on demand and really promoted. I even heard a radio commercial this week for an abortion clinic. So you can see why they would run towards abortion as a solution. And so there's been the ability for me to put my staff in the shoes of an abortion-minded woman, and they all come to me with compassion already, and they are just big hearts on my staff, but it helps us really promote a judgment-free zone, and a zone where girls can come in, and have the room and the space to really figure out what they want to do. And one of the things we say to them is, "Before you come in here, everybody in your life has an opinion of what you should do, and they're happy to tell it to you. And here, we're not going to share our opinion, [but] we're going to lead you to a process where you figure out what you really want to do, and get the resources available to you."

JR: Let's switch gears now, and talk more about the ministry of First Choice Pregnancy Solutions. As you know, abortion advocates often accuse proliferators of being solely focused on stopping abortion, and then sort of leaving women behind to figure out what to do next. But pregnancy resource centers are about so much more than just saving the lives of unborn children. Tell us about the services you offer that help address the real needs of women and men who are facing an unplanned pregnancy.

AL: Over the last few years, we've been shifting our gears just a little bit to really let the churches take back a key role in the process of ending abortion. As a pregnancy center, we want to serve as kind of a hub and spoke type model, where we can intercept girls, help them choose life, stabilize their crisis, and figure out where they need to go next. And so we have an in-house program called "Next Steps," and that program puts them with a weekly mentor and some classes. But what we've seen

through the years is that there's a program on every corner, and they don't need another program. They really need the body of believers to come around them and support them day-to-day. A woman with an unplanned pregnancy has some level of worry and crisis every day, and no organization can support that in the way that she needs, so she needs people in her life. So, for the past few years, we've been creating what we call the "Next Steps Community," and when people join, they can go through some training and learn how to be ministry-minded, and how to meet day-to-day needs in a woman's life. And then [they are] connected to women, usually in the middle or late part of their pregnancy, and they host a baby shower, and they take meals when the baby comes, and they just become a community around her of cheerleaders. And it's been amazing to see the success of people who have engaged with those trained individuals from the church. And so we have been transitioning that Next Steps Community out into the church community, and we're kind of in the middle of that, so it's a little bit messy ... and we want to empower the church to take back the abortion issue by loving the mothers day to day.

JR: Well that's great, and it seems like [your work] is so much about relationships and about meeting practical needs beyond just the spiritual side of things, would you agree with that?

AL: Absolutely, absolutely! And, you know, we are in the South; we are in the Bible-belt. So most of the girls who come in know something about the gospel or church, and they're turned off by it, quite honestly. But when they are genuinely loved and people just relate to them and meet needs, they're happy to go to church. And they go there, and they're greeted, and people are nice to them, and it starts breaking down some of those walls that were put up, by maybe a bad evangelistic experience or a bad experience as a child feeling judged, or something like that.

JR: One of the most exciting and important services you offer at First Choice Pregnancy Solutions is a Mobile Clinic. Tell us more about this powerful outreach, and how it's helping to transform and save lives across North Carolina.

AL: Well, John, it's a 31-foot mobile medical clinic manufactured for that reason. We take this mobile clinic out into neighborhoods, and shopping centers. We basically insert our services into the day-to-day activities of women, who would likely be considering abortion. We determine where to take the mobile clinic by looking at some data points. The first one is the county abortions by residence, so we can look at the state statistics, and look at where they're coming from, and so where they're coming from last year is where they'll likely

“We want to empower the church to take back the abortion issue by loving the mothers day to day.”

come from this year. So we can zero down into a zip code area of a high need area ... The other thing that we can do is apply what is called an abortion algorithm on the female population of an area, and from doing that, we can estimate how many abortions are coming from that area, whether that's a county, a city, a school, things like that. And so it's pretty neat, it's very strategic, and our plan is to have three mobile units for Wake County. I know that PRC Charlotte is just launching their first mobile clinic as well. It's really the age of tomorrow, and a delivery-service mentality of the age group that we're primarily serving, and they would respond well to this. It does not replace pregnancy centers. It is just a frontline, strategic way to intercept people who otherwise would not come into our brick and mortar pregnancy centers.

JR: Well it sounds like a great tool to have at your disposal and with the targeting that you are doing, and the knowledge that you have and really the heart to reach out, I'm certain that it is serving tremendous needs. Now Amber, I know that ultrasound technology is an integral part of what you do at First Choice. How has ultrasound technology really transformed the work of pregnancy resource centers, and how important is this technology to those centers?

AL: Well, the first step for a mother in crisis to make her decision is to first confirm that she really is pregnant, and to understand how far along she is. What ultrasound technology allows us to do is to put nurses on the frontline, providing professional services. What they're trying to do is to confirm that the pregnancy is in the uterus, then confirm how far along the pregnancy is, and confirm that there is a fetal heart rate that we would see consistent with that gestational age. And that is the first step for any woman to make an informed decision. From that information, the nurse is going to be able to educate the mother on the fetal development of her baby; she's going to be able to let her know what abortion procedure she would be looking at, what risk goes along with that, and honestly how long she has before that procedure changes. And that allows the nurse to pull the mother out of crisis. The byproduct of pregnancy

centers doing ultrasounds is that you know... we have the liberty to show her the baby and ... that is obviously life-changing for the mom. In fact, last week, we had a girl onboard the mobile clinic, and she was there with her mother, and the nurse said, "I am measuring from the top of your baby's head to your baby's bottom," and the girl said, "Oh! My baby has a bottom and a head!" And she did not realize that this wasn't just a blob, but there was a formation of a baby at the stage that she was at. At the same time, her mother looked and said, "Oh my gosh, I had an abortion at three months, and I had no idea!" And so there were two generations of women, who had their eyes opened to the truth of what is happening in the womb in a pregnancy.

JR: Are there other personal stories you could share with us, that really stand out to you of women you have helped at First Choice just to demonstrate how important the ministry is to our listeners?

AL: There are a lot of great stories, but there's one girl named Lakizzy, and she's given us permission to use her name, and we just love her story, and we just love her—she is just a joy to be around. But she was brought in by somebody who's an occupational therapist, and she was out working out in Lakizzy's home with her special needs son, and she found out that Lakizzy had an abortion scheduled for the next day. And so she called around, she knew that her small group leader was involved with First Choice. [Just as an aside], this is really, John, a demonstration of how the church has to be mobilized in the community. Women are not necessarily seeking us out; they're brought to us most likely by a co-worker, a friend, a fellow student who finds out that we're there—we don't have a huge marketing budget, we're not on every billboard, and so the church needs to be mobilized to be able to have these conversations to be able to know what to do in the first 24-48 hours when they find out. On average, it's only nine days from a pregnancy test to a woman obtaining her abortion, so the fact that this woman was in Lakizzy's house the day before she had an abortion scheduled was the only way this mother would have come to us. So she brought Lakizzy in, and the baby's father came as well. And what we found out was that she was 19-and-a-half weeks pregnant with the abortion the next day, so she was literally on her last legal day to begin the multiple day procedure! And so we found out that she was behind about \$3,000 in bills and staying at her mom's house, and they were sleeping on the floor, [with their] two year-old special needs child, and they just felt trapped into this. And so we paid her rent up-to-date, got them back into their own house, turned on their utilities—all of those things—and small groups came around them, brought them food, threw a birthday party for her, and they did Christmas last year. In fact, I actually had her and her husband over for Christmas last Christmas Eve, and then again this year. We've kind of made it a tradition. And she did end up having the baby, she delivered him at 24 weeks, so he was at the NICU for a long time, and it just presented another opportunity for the Bride of Christ to shine in our community and particularly in her life. All the cards are stacked against her, but the church keeps rallying around her, and around her husband to help them stay on their feet, and to keep moving forward.

To learn more about the story Amber shared in the interview, you can watch Lakizzy's story in a video produced (at no cost) for First Choice Pregnancy Solutions by Horizon Productions here: http://m.youtube.com/watch?v=mqmeQP_vhzM&feature=youtu.be ❖

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