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Summer 2013

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## Preserving Families

*Marriage & Family*

*Personal Responsibility/Freedom*

*Founding Principles*

*Faith*

*Sanctity of Human Life*

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*Family North Carolina* magazine



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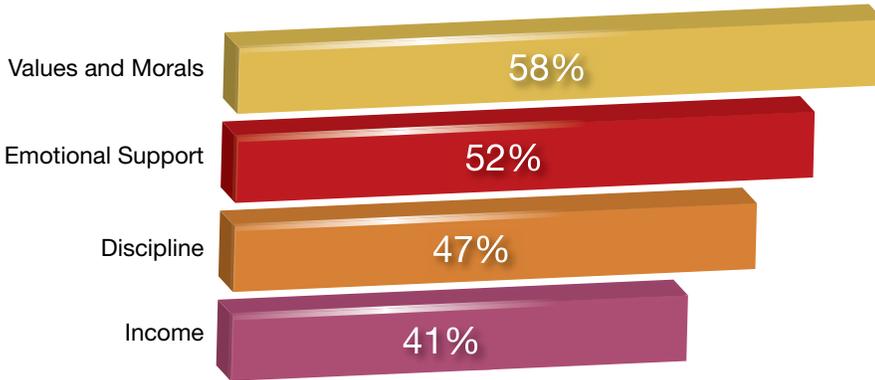
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Percent who say it is "extremely important" for a father to provide this for his children



Pew Research Center poll, "The New American Father," June 2013. Surveyed 1,000 American adults on four roles of fathers and mothers.

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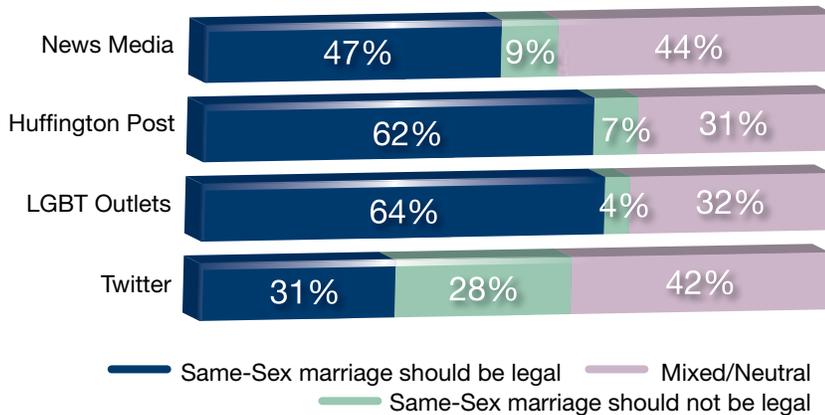
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**Media Bias in Reporting About Marriage Redefinition**

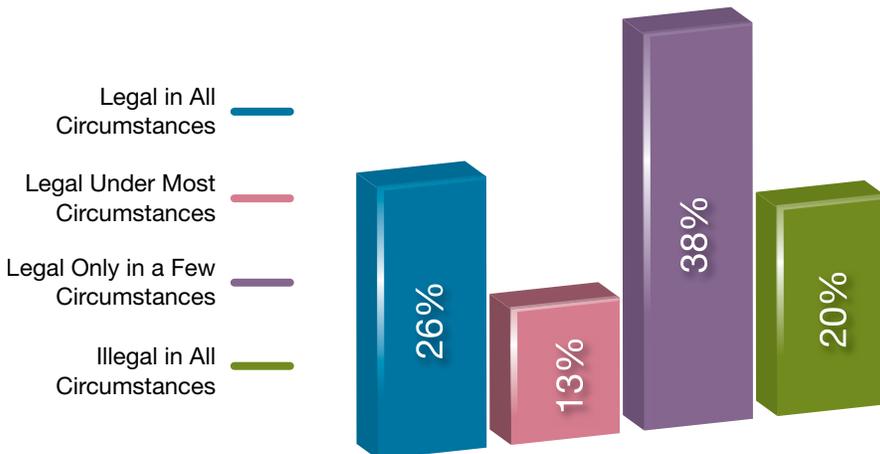
News Coverage Shows Momentum for Same-Sex Marriage



Pew Research Center study of nearly 500 news media stories about same-sex "marriage," released June 2013.

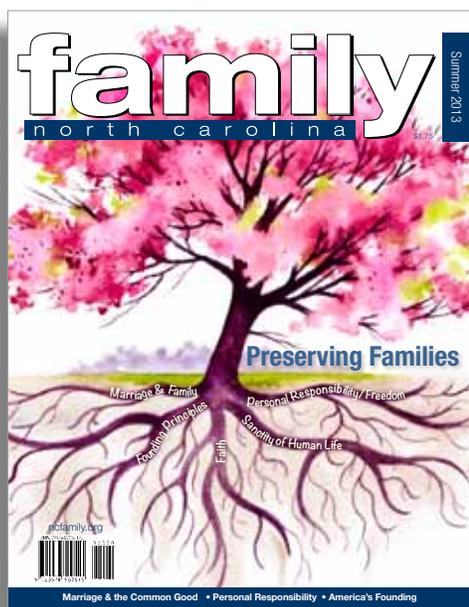
**America is Pro-Life**

U.S. Adults' Views on When Abortion Should Be Illegal



Gallup Poll, national telephone survey of 1,535 adults conducted in May 2013.

## Why We Do What We Do



Times of transition often include opportunities to reevaluate and refocus. Such is the case with the North Carolina Family Policy Council over the last few months. With our first major leadership change in two decades, our organization has embraced the opportunity to evaluate, discuss, and remember our priorities, and why we do what we do. This issue of *Family North Carolina* is a result of that process.

The North Carolina Family Policy Council is dedicated to the preservation of the family and traditional values

by providing the best quality research and education on public policy issues that impact North Carolina families. We are also committed to equipping citizens to be voices of persuasion on behalf of traditional family values in this State and society. In this issue, you will find articles that examine the values that influenced the foundation of America's unique system of government, as well as articles that explore why our work focuses on the priorities of life, marriage, and personal responsibility.

The new president of the North Carolina Family Policy Council, John Rustin, starts things off by sharing the story of how he became involved in the pro-family movement. He explains how God used a presentation about America's founding, and the Biblical worldview of many of our Founding Fathers to open his eyes to God's calling on his life, and to the importance of being involved in transforming the culture through public policy.

Life is the most fundamental human and natural right from which all other rights and privileges flow. In her feature article, attorney Mary Summa outlines why the promotion of the sanctity of all human life in public policy is a necessary foundation for just government. She provides an overview of several of the most compelling public policy issues of our day that hinge on the recognition of this foundational principle, including abortion, artificial reproduction, stem cell research, and euthanasia.

St. Angela Merici said, "Disorder in society is a result of disorder in the family." In yet another powerfully researched article, Dr. Patrick Fagan explains why families, created through marriage, are the foundational building block of society. Lawmakers cannot afford to ignore the impact of public policy

in the areas of cohabitation, divorce, marriage, and parental rights on the health and wealth of individuals, families, and society.

The story of America's founding is a story of Christian virtue. Southeastern University History professor Dr. Alan Snyder explores how American society was intentionally designed to promote laws and a culture that honor God. A recognition of that intentional design provides the impetus for why the North Carolina Family Policy Council and Christians across North Carolina should be involved in public policy.

The success of American government, as envisioned by the founders and described in Dr. Snyder's piece, relies upon an educated and virtuous citizenry. In "Freedom and Responsibility," this editor connects the common threads between seemingly disparate areas of public policy upon which the work of the North Carolina Family Policy Council often focuses. The importance of individual liberty, coupled with individual responsibility, necessitates our work on issues such as gambling, alcohol and drug policy, school choice, and religious liberty.

Do not miss the "Briefs" section in this magazine, where you will find extensive coverage of recent battles over the definition of marriage at both the U.S. Supreme Court and in several individual states. An update on the controversial Boy Scouts' decision to allow openly homosexual youth to participate in BSA programs, as well as the Supreme Court's consideration of a lawsuit related to prayer before government meetings are also included.

North Carolina Family Policy Council president John Rustin's interview with Mary Eberstadt is both prescient and powerful reading. They discuss her new book *How the West Really Lost God*, which chronicles the connection between the breakdown of the family and the decline in religious belief.

Thank you for reading this issue of *Family North Carolina*. We hope that it provides you with a deeper understanding of what motivates us to do the work we do, and why the issues we emphasize are so important. We are proud to count you among our partners in this work.

As you visit with family and friends, whether poolside, seaside, or at your other favorite vacation spot this summer, please share this magazine with them, and invite them to join us in our work to preserve and promote the values and policies that are most important to North Carolina families. ❖

*Brittany Farrell is assistant director of policy for the North Carolina Family Policy Council and editor of Family North Carolina.*

written by:  
**Brittany  
Farrell**

## This Is My Story...

written by:  
**John  
Rustin**

Happy summer, and thank you for reading *Family North Carolina* magazine! We do not take it for granted that you have many other ways to spend your time, especially during the summer months, and we appreciate the fact that you have chosen to invest it here. Our desire is that you find this issue of the magazine to be both educational and inspirational.

In early May, prior to my return to the North Carolina Family Policy Council to assume the role of president, I had an opportunity to meet with the Council's staff to plan this edition of *Family North Carolina*. My heart's desire was to produce a volume of the magazine that would take us "back to the basics," and revisit the fundamentals of why we do what we do at the Council to protect and promote life, marriage, family and freedom. Thanks to the hard work of our excellent staff, and the great insights of our contributing authors, this edition accomplishes that goal. Our editor, Brittany Farrell, summarizes the contents well on the preceding "At Issue" page.

Many of us who are involved in the pro-life and pro-family movement are here because we have sensed a calling to get involved. I remember, as clear as if it were yesterday, sitting in a high school auditorium in Raleigh, North Carolina, in 1994 listening to David Barton of WallBuilders speak to a men's conference at the church I was attending at the time. David shared the history of our nation's Founding Fathers, and how they looked to the Bible and Scriptural principles to serve as the underpinning for the republic they were creating. The rich Biblical heritage of our country, and the deep faith of many of the Founders, was entirely new to me, and after David's talk, I felt both angry and exhilarated at the same time.

I felt angry because I had never heard most of what David presented—at school or at church—and, honestly, I felt betrayed. I felt exhilarated because several months before the men's conference, God had begun to work in my life to stir something deep within me. I had never really been interested in public policy, but I sensed that He was calling me to get involved. I didn't

know what it meant or what I was supposed to do, but I did know that His Spirit was moving in my heart, and that was unmistakable. Ultimately, God used David's presentation to bring it all together.

You see, understanding the faith of the Founders and their commitment to applying God's truth and Biblical principles to the establishment of this experiment in government, to the writing of the Constitution, and to our laws, provided an entirely new context through which I was able to view the calling God had placed on my heart. Unlike what I had been led to believe, which was the so-called "separation of church and state," I had been given an entirely new vision. The scales had been removed, and I realized it was not only perfectly natural, but a necessity, that I be involved—not because I had anything of great value to offer, but because God was the One doing the calling. I simply wanted to be faithful to His call above all else.

One thing I have observed since that men's conference nearly 20 years ago is that when our government, our laws, and our behaviors are consistent with God's principles, good things happen, and peace and prosperity exist in the land. If we choose to act in ways that are contrary to God's plan and purpose, strife and unrest are the result.

This is my story, and God is both the author and the protagonist. I have simply been given the privilege and honor of being a part of what He is doing. Your story may be similar, or it may be very different. Whatever the case, God is calling each of us to speak His truth in love to our culture. We pray that what you find in these pages will encourage and equip you to do just that. ❖

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



## quotes, quips, and other items of interest

**“I don’t believe one size fits all in education.”**

—State Board of Ed Chairman Bill Cobey explaining his support for the Opportunity Scholarship Act, a bill before the General Assembly that would provide scholarships to help lower income students attend private schools in North Carolina. Chairman Cobey made the comments to a group of journalists during the UNC Chapel Hill School of Journalism and Mass Communication’s Program on Public Life’s newsmaker series in Raleigh on June 10, 2013.

**“It’s not funny. It’s not healthy. And it’s not ‘no big deal.’”**

—Freelance writer Emily Stimpson, writing about the harms of pornography in her article entitled, “The Truth About Men, Women, Love, and Porn (in 2 minutes and 37 seconds),” which was published on June 11, 2013, on CatholicVote.org

**“All the polls in the world cannot undo the truth about marriage.”**

—Ryan Anderson, a fellow at The Heritage Foundation and editor of the journal, Public Discourse, responding to a June 2013 Pew Opinion poll that found that 72 percent of Americans believe the redefinition of marriage to be “inevitable.”

**“[Lets] make sure our state looks before we leap into the Common Core.”**

—Lt. Governor Dan Forest outlining his concerns with North Carolina’s “rush to implement” the national Common Core education standards in a video posted on YouTube on June 5, 2013. Forest promised to use his role on the State Board of Education to review the Common Core standards, and said he is “unclear how education with a national one-size-fits-all standard will serve our students well and allow parents the ability to be engaged in educational decisions.”

**“[M]ay we mourn what abortion reveals about the conscience of our nation.”**

—North Carolina Congresswoman Virginia Foxx (R-5) during her testimony before the U.S. House of Representatives in favor of H.R. 1797—Pain-Capable Unborn Child Protection Act, which the House approved by a vote of 228 to 196 on June 18. The measure, which President Obama has promised to veto, would prohibit an abortion from being “performed or attempted” when the “probable post-fertilization age... of the unborn child is 20 weeks or greater.”

You may choose to look the other way, but you can never say again that you did not know.

— William Wilberforce



RICK MCKEE, THE AUGUSTA CHRONICLE - 5/3/2013



## Marriage and the Common Good

*Why the Wellbeing of North Carolina Depends on the Health of Its Families*

written by:  
**Patrick  
Fagan,  
Ph.D.**

**F**AMILY, CHURCH, AND SCHOOL ARE THE THREE BASIC PEOPLE-FORMING INSTITUTIONS, AND IT IS NO WONDER THAT, WHEN THEY COOPERATE, THEY PRODUCE THE BEST RESULTS FOR SOCIETY, INCLUDING A THRIVING ECONOMY AND HEALTHY GOVERNMENT.

There is a lot of talk these days about the economic problems facing North Carolina and the United States, and it often centers around the need for better jobs, tax modernization and reform, and a more streamlined or more powerful government (depending on your political persuasion). Missing from this discussion, however, is a major contributing factor to the economic and social wellbeing of any state or nation: the health of its families. Without healthy families, societies naturally decline, which is why family policy should be a key part of any serious effort to improve the social and economic wellbeing of North Carolina and the nation.

Marriage is the great engine of society, and every household is a building block that either contributes or takes away, millions of times over. This is why what happens inside of every family should matter to North Carolina, the nation, and the world, and why government has a vested interest in helping

to protect and sustain intact married families for future generations.

### Men, Marriage and Work

Within the economy exist the people, whose cumulative capacities operate that economy. A society that is producing fewer people capable of hard work, especially married men with children, is not as capable of operating a great economy. As the retreat from marriage continues apace, there are fewer and fewer of these capable, hard workers, resulting in a slowly, permanently decelerating economy, as well as a host of other social ills.

When men get married, their sense of responsibility and drive to provide gives them the incentive to work much harder. This translates into an average 27 percent increase in their productivity and income. With the retreat from marriage, instead of this “marriage premium,” we get more single men (who work the least), more cohabiting men (who work less than married men), and more divorced men (who fall between the singles and cohabiters).

All this is visible in the changing work patterns of the country, resulting in real macro-economic

consequences. Fifty years ago, family life and the economy were quite different.

Around 1960, just prior to the sexual revolution, the United States was the world's heavyweight champion in economic productivity and earnings. Today, the U.S. can still lift a lot, but, to extend the analogy, it is moving down to the middle-weight class. For example, Dr. Henry Potrykus has shown that divorce alone has reduced the annual growth rate of the economy by at least one sixth since the mid-1980s, which, with its compounding effect, has by now had quite a significant impact.

## The Family and the Economy

A productive household does not simply happen when parents beget a child. The foundation for a productive household begins with marriage. Other union arrangements cannot measure up, not for the child, not for the couple, not for society, and certainly not for the economy.

Cohabitation does not take the place of marriage, and there are very strong indications that cohabitation may rival single parenthood as the largest generator of child poverty, while divorce is the cause of most women and children entering poverty in any given year. If marriage makes the world and the economy go 'round, these newer family structures truncate productivity, and cause society to operate in a less efficient manner.

Within the married household, children are like tender young plants that thrive on the unity and love of their father and mother, but wilt when their parents fight or bicker. And tragically, the budding capacities of children are further weakened when their parents reject each other, either through divorce, or separation, or simply by walking away from each other as in single parenthood.

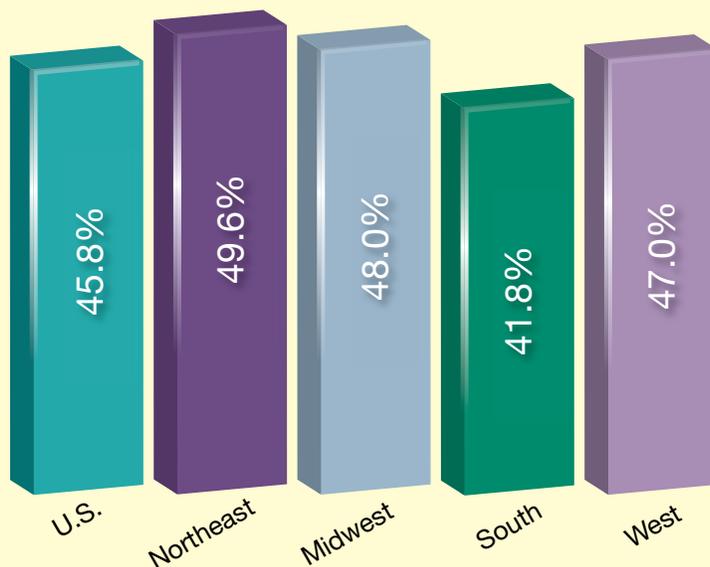
For American children, the situation is dire, with more than half of 17 year-olds (54 percent) experiencing parental rejection in some form, whether through divorce or through their cohabiting parents splitting. Only 46 percent of American teenagers by age 17 have lived their whole life in an intact married family. In North Carolina, only 42 percent of 17 year-olds have lived their entire life in an intact married family, which is lower than the already disturbing national average.

Among African Americans, only 17 percent come from families with always-intact married parents. By comparison, 90 percent of African American families were intact when Pearl Harbor was attacked in 1941.

Where marriage is concerned, Asian Americans are the strongest ethnic group (only 38 percent of Asian American children at age seventeen are not in an intact married family), and yet they are now in much the same marriage situation that African Americans were in two generations ago, when Daniel Patrick Moynihan caused an uproar in 1965 with his prescient work, *The Negro Family: The Case*

## Growing Up With Married Parents

Proportion of U.S. Teenagers Aged 15-17 Who Have Grown Up With Both Married Parents, by Region 2009



*For National Action.* To situate the Asian American family in the history of the retreat from marriage, America's strongest family ethnic group is as weak, marginally, now as our present weakest family ethnic group was in the 1960s.

## Married vs. Broken Families

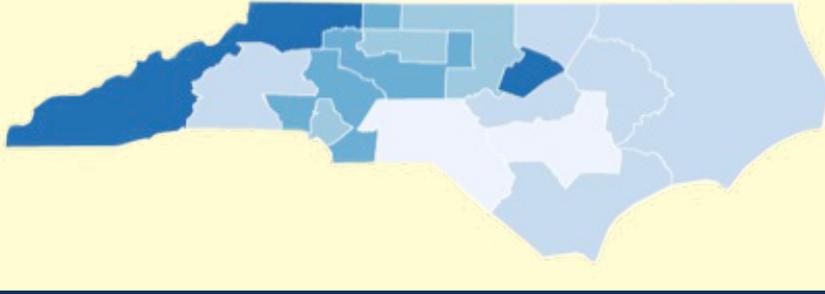
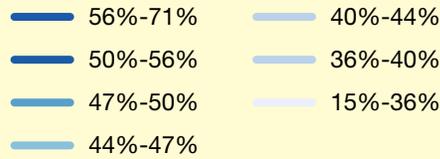
Love, not rejection, gives strength to a child and a child's family. Life is qualitatively better for children whose parents have always been married: they have higher grade-point averages, greater educational attainment, longer and happier lives, and a better chance at a lasting marriage. On every measure they do better.

Rejection between parents weakens children, slows them down and lowers their potential. Though the extent to which they are affected var-

“**Only 46 percent of American teenagers by age 17 have lived their whole life in an intact married family.**”

## North Carolina Fraction of Families Intact

The chart below divides North Carolina into demographic areas of equal population, around 400,000 people. Each different shade of blue represents the percent of always-intact married families in that demographic area.



ies from child to child, as a demographic, children from broken families attain lower grades, receive less education, have poorer mental health, are less employed, are less likely to be happily married, and will live shorter lives.

Adding all this together, the conclusion (visible in the federal data) is that married families with children are the main source of the higher income, education, and productivity that grows the economy and society.

### Marriage, Religion, and School

Besides marriage, the other foundational institution that fosters human flourishing is religion. The relationships with religious worship are dramatically visible in U.S. national survey correlational studies and increasingly in causal studies in such areas as education, crime reduction, and health. Religious practice and prayer are good for marriage, and when combined in marriage and worship, children thrive even more. And a decade or two later, the economy benefits when those children have become the more productive earners.

“Love, not rejection, gives strength to a child and a child’s family.”

When marriage and worship are united with a school that upholds the same fundamental ideals, a small community is formed, eminently capable of raising children to their optimum capacities. Family, church, and school are the three basic people-forming institutions, and it is no wonder that they produce the best results when they cooperate. We see these results in the national data: not surprisingly, home-schooled children (who typically reside in intact, married, religious families) thrive the most; children in private religious schools come next; and children in public schools after them.

### Marriage and the Common Good

Thus, the core strategy for forming great workers for the economy and a healthy society is to grow and nourish intact married families who are united in worship through their community of belief, and who send their children to schools that inculcate those values and beliefs. Not only does that produce the greatest average human capital for the marketplace; it also produces the best citizens for the *polis* and the common good. And from such strong families, other benefits abound: marriage, education, health, income, savings, tax revenues for government, longevity, and even the most satisfying and fulfilling sexual experience. At the same time, society is most shielded from the many costs and sufferings of crime, addictions, sexual perversions, bad health, poverty, and abuse. On every measure in federal surveys that permit the analysis, the intact married family that worships God weekly does best, always. As a national or a state social strategy, this single focus or strategic center gradually improves the common good in every way. No one can make society perfect, but the persistent practice of the love of one’s spouse and the worship of God can improve society beyond what modern social policy can even imagine—or dare to promise.

### Intact Families Preserve Societies

If all three of society’s people-forming institutions (family, church and school) fail to deliver (and they are failing more and more in the present day), then the two instrumental institutions that build societies—the marketplace, which provides material goods, and the government, which preserves order and peace, and provides a number of necessary fundamental services to those most in need—will also deliver less and less, and the delivery will be all the harder because workers will have increasingly less capacity.

The intact married family is the community where the tasks of these institutions are first learned, and so ensures that these institutions are maintained by the rising generation. Children learn about the marketplace when they first see their

parents taking care of the family's material needs, earning, saving, and investing in the home and the children's education. As children grow, they start making their own contributions to these material needs through their own chores, earnings, and savings. They learn about government by seeing their parents cooperate closely to foster peace and order in the family, both exercising the self-control needed for a united "governing body."

But when parents divorce, children no longer learn these lessons. The mother and father as a couple have ceased to work for the common good of the family, and the family marketplace (income and capital) suffers very significantly, frequently pushing them into poverty. Children's experience of this fracturing of the marriage and the family is further clouded by major negative experiences and feelings, which lessen their own prospects of a future happy marriage and family life. Many are less inclined to stay in school and their religious worship decreases or ceases.

These five tasks or institutions—family, church, school, marketplace, and government—are fully reflected in and reinforced by the flourishing married family. These tasks and institutions are fundamental, interconnected, and irreplaceable: any one that is weak necessarily weakens all the others, and none of them can compensate for the failing of the others.

History is littered with stories writ large of the damage caused when one institution tries to displace or take on the tasks of another, most especially when government and religion try to do each other's work. While government often tries to take unto itself the work and prerogatives of the other institutions through the use of force, embodied in laws, it cannot fulfill a purpose for which it does not have the capacity. This is because the government's fundamental capacity is force, its role is the exercise of justice, and its object is peaceful order.

The work of growing a society is much like the work of a farmer growing his crops. There are seasons and cycles: a time to sow, a time to grow, and a time to reap. He needs good seed or else his crop yields are meager. He must also pay attention to the seasons and plan his work accordingly, for he has no control over them. Society has analogous seeds, seasons, and crops: a time to sow (marriage soon after entering the marketplace), a time to grow in good soil (children in a married, worshipping family), and a time to reap (the celebration of young adulthood well-attained and poised to repeat the cycle).

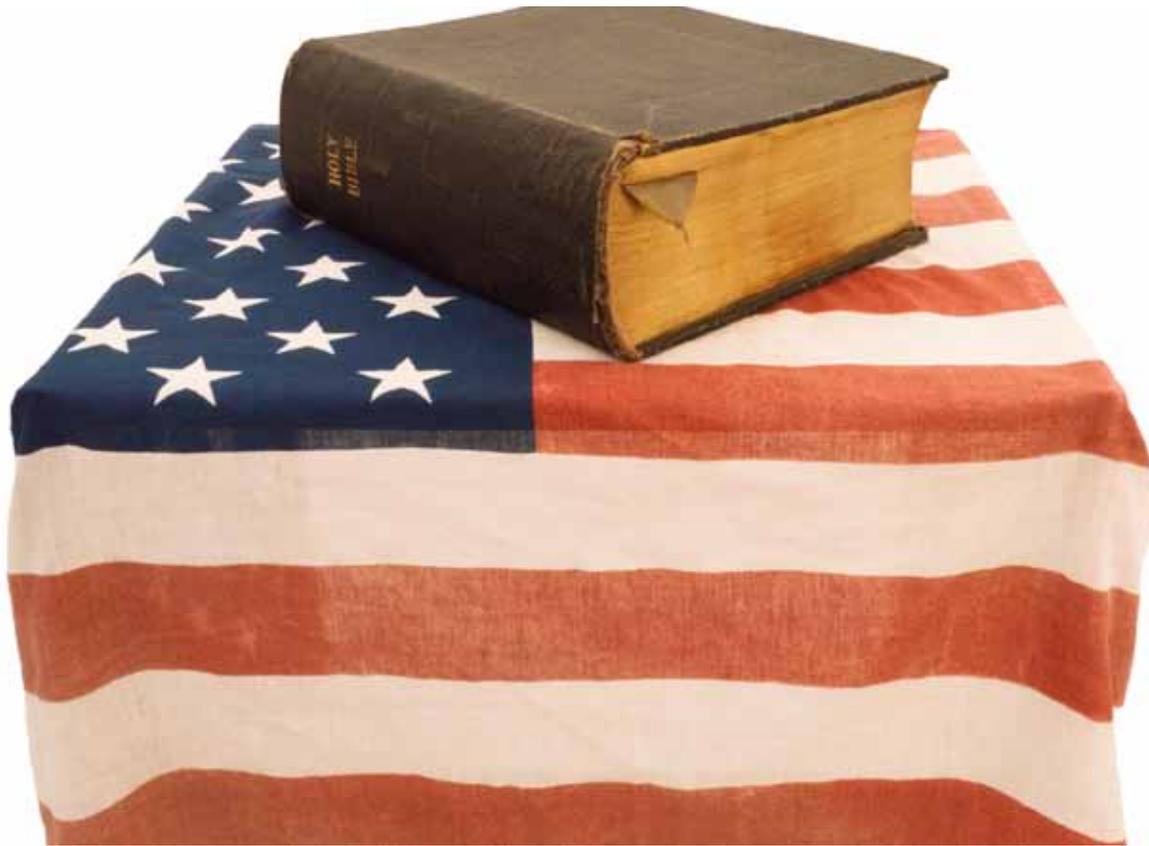
Thus the person-forming institutions move through their generational cycles every 25 to 30 years or so, while the youngest generation replaces those who are aging and dying. All the while, the two instrumental institutions are kept humming if they are "supplied" with productive workers for the marketplace and good citizens for the work of the commons.



## A Core Responsibility

The intact married family with children is the household that generates the most law abiding and healthy citizens, and yields the most productive work, income, and savings. For the wellbeing of this State, North Carolina policymakers must not neglect the fundamental importance of the family, particularly the intact married family with children. Family law—from how marriage is defined to how divorce is treated—is a key component of the economic and social health of North Carolina, and should be part of the conversation in the halls of the General Assembly. Encouraging and sustaining the intact married family—a mother and a father and any children that result from that union—is not only a legitimate concern of good government, it is a core responsibility. Good government must ensure the freedom of all families to worship, and the freedom of family, church and school to cooperate. Government has a duty and a vested interest in the strength of society's three people-forming institutions. ❖

*Dr. Patrick Fagan, is Senior Fellow and Director of the Marriage and Religion Research Institute at the Family Research Council. For a footnoted version of this article, please visit [ncfamily.org](http://ncfamily.org).*



## Founding Principles

### *The Biblical Foundations of American Government*

written by:  
**K. Alan  
 Snyder,  
 Ph.D.**

**T**HE DEBATE OVER WHETHER AMERICA WAS FOUNDED ON BIBLICAL PRINCIPLES RAGES IN OUR DAY. A FURTHER DEBATE IS WHETHER CHRISTIANS OUGHT TO BE INVOLVED IN POLITICS.

MANY WHO ENGAGE IN THESE DEBATES—ON BOTH SIDES—SOMETIMES DO NOT TAKE THE TIME OR MAKE THE EFFORT TO FULLY INVESTIGATE THE HISTORY OF THIS GREAT NATION. SOME CHRISTIANS TAKE IT FOR GRANTED THAT NEARLY EVERYONE IN THE FOUNDING ERA WAS A CHRISTIAN, BUT THAT IS TOO SIMPLISTIC. ON THE OTHER SIDE OF THE DIVIDE, THOSE ARGUING AGAINST BIBLICAL ROOTS AND CHRISTIAN INVOLVEMENT TRY TO CLASSIFY ALL THE FOUNDERS AS DEVOTEES OF THE ENLIGHTENMENT, SKEPTICAL OF ANYTHING CONNECTED TO ORTHODOX CHRISTIAN FAITH. BUT THEY VASTLY OVERSTATE THEIR CASE.

To find the truth, we must look at the history and the documents themselves. What becomes evident is that even though not everyone was a Christian, American society was built on the consensus that the Biblical worldview is Truth.

### Models of Government Throughout History

Most history texts consider ancient Greece as the model for American government. Greece, they say, is the source of Western “democratic” institutions. The reality is that Greek government was man-centered, not God-centered. Greek city-states were selfish to the extreme and were unable to form any type of union. Within the cities, government sometimes degenerated into mob rule whenever a demagogue could whip up the emotions of the populace. The individual lacked value because he was not a being made in the image of an all-wise god. He was important only in relation to his city. If he offered something of value to the city, he was significant; if he did not, he was unimportant. The Greeks’ debased lifestyle shows the cheapness of human life in the society. Abortion, infanticide, and homosexuality were accepted. Although this may seem similar to modern America, it was not America’s foundation.

Rome considered itself the great civilizer. It emphasized the importance of law. Yet law was

considered manmade; there was no concept of an eternal law that was binding upon all men. Civil government granted all rights. If the government granted a right, the government could take it away. When Rome became an empire, representation was not part of its structure. Individuals in conquered provinces might be granted Roman citizenship, but they had no voice in how government operated.

## The Christian Era of Government

Neither Greece nor Rome, therefore, laid the basis for American government. To find its true beginnings, one must look to the Christian era, starting with an examination of the Middle Ages. One can critique the Middle Ages for its theology and hierarchical structure, both in church and state, but there was a basic Christian foundation to government. Nearly everyone accepted certain truths: God's law was sovereign; the king was under God's law and civil law; a ruler could hold office only if he took an oath before God to keep the faith; and kingdoms might crumble, but God's law would always continue.

When the Reformation came along, the reformers did not repudiate basic beliefs about government, but they did add to them. They made a stronger case for the idea that rights come from God. They emphasized the Old Testament covenant theory of government and developed a theory of resistance to ungodly government. For example, Samuel Rutherford's *Lex Rex*, written in the 1640s during the English Civil War, clearly enunciated the principle that a king should be under law, and that any king who disregarded that law could be lawfully, under God, resisted.

Most reformers did not accept the divine-right-of-kings theory, which said that the king had a direct grant from God to rule as he saw fit. If a king broke his covenant relationship with his people by endangering their rights, Christian citizens were duty-bound to disobey.

Reformation thought merged with English tradition as it passed into its American form. Both Englishmen and Americans looked to documents such as the Magna Carta (1215), the Petition of Right (1628), and the English Bill of Rights (1689) as reaffirmations of the Biblical basis for government.

English Common Law also influenced American theories of government. The Common Law rested on traditional unwritten beliefs about right and wrong. A case would come before a judge who would then make a decision after consideration of precedent and traditional beliefs, most of which were founded upon the Bible. This was not pure precedent *divorced* from eternal law, but precedent united with eternal law.

## America's Founding Documents

The Mayflower Compact, written by the Pilgrims in 1620, was the first American document of Christian self-government. The Pilgrims influenced the Puritans of Massachusetts and Connecticut. Two more foundational documents can be traced to these colonies.

The Fundamental Orders of Connecticut, adopted in 1639, is considered the first American constitution. Rev. Thomas Hooker's sermon from Deut. 1:13, which stated, "Choose wise and discerning and experienced men from your tribes, and I will appoint them as your heads," formed the cornerstone for this constitution.

The Fundamental Orders begins by acknowledging that "the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent government established according to God," partly "to maintain and preserve the liberty and purity of the gospel of our Lord Jesus." It then speaks of the colonial legislature and says that if a law is not in effect to cover a situation that may arise, the government should judge "according to the rule of the word of God."

Massachusetts, in 1641, passed the Body of Liberties. This document is the first American bill of rights. A minister, Nathaniel Ward, was the author. Its preamble claims that civil liberties have their basis in Christianity. Ninety-eight "laws" comprise the Body of Liberties, all concerned with the potential tyranny of the government and the rights and privileges of citizens. Some issues addressed are illegal arrests, equality under the law, keeping property secure against government intrusions, freedom of speech and petition, and the right of lawsuit if other rights are abridged.

The basis of the Declaration of Independence was the "unalienable" rights given to men by their Creator. These rights were no longer properly being protected by government, so it was the duty of citizens to alter or abolish such government, and set up a new government that would take these responsibilities seriously.

“American society was built on the consensus that the Biblical worldview is Truth.”

## Founding Fathers on Faith and Government

***“Providence has given to our people the choice of their rulers, and it is the duty, as well as the privilege and interest of our Christian nation to select and prefer Christians for their rulers.”***

—John Jay, President of the Continental Congress, coauthor of *Federalist Papers*, and First Chief Justice of the United States Supreme Court, in a 1797 letter to Rev. Jedidiah Morse.

***“God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever.”***

—Thomas Jefferson, principal author of the Declaration of Independence, in *Notes on Virginia*, 1782.

***“The Christian religion is, above all the religions that ever prevailed or existed in ancient or modern times, the religion of wisdom, virtue, equity, and humanity.”***

—John Adams, Chief Advocate for Declaration of Independence in Congress and Second President of the United States, in his Diary, July 1796.

***“I have often expressed my sentiments, that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.”***

—George Washington, First President of the United States of America, in a letter to the General Committee of the United Baptist Churches in Virginia, May 1789.

***“The rights of the colonists as Christians ... may be best understood by reading and carefully studying the institutes of the great Lawgiver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament....”***

—Samuel Adams, leader of the movement that became the American Revolution, in *Rights of the Colonists*, 1772.

***“This is all the inheritance I give to my dear family. The religion of Christ will give them one which will make them rich indeed.”***

—Patrick Henry, American attorney and great orator, who led opposition to the *Stamp Act of 1765*, wrote in his Will.

***“God grant that in America true religion and civil liberty may be inseparable and that the unjust attempts to destroy the one, may in the issue tend to the support and establishment of both.”***

—John Witherspoon, a Presbyterian minister who signed the Declaration of Independence, in *The Dominion of Providence Over the Passions of Men*, May 1776.

## The United States Constitution

This brings us to the U.S. Constitution. One study of intellectual influences upon Americans during that time period reveals a potent fact; it states, “If we ask what book was most frequently cited by Americans during the founding era, the answer somewhat surprisingly is: the book of Deuteronomy.” This was due to the high number of sermons dealing with civil government. While some scholars may wish to exclude sermons as a source of political thinking, to do so would be to misunderstand the Founding Era. It was common for ministers to speak on political themes. There was no artificial separation between religious faith and government. Election sermons in New England, given right before general elections, always called the people to a consideration of righteous government, and urged them to give their votes to representatives who would carry out God’s will on earth.

The same study notes that the second most cited source were writers of the moderate Enlightenment, men such as John Locke and Montesquieu. While some question their Christian faith, there can be little argument as to the Biblical framework of their political thinking. Locke was a revolutionary writer, but only in the sense that he wrote against the divine right of kings in favor of representative government. Montesquieu was widely quoted by the founding fathers because he wrote eloquently of the necessity for balanced government through the separation of powers. In his *The Spirit of Laws*, Montesquieu gives his philosophical presuppositions, which are consistent with Biblical principles:

God is related to the universe, as Creator and Preserver; the laws by which He created all things are those by which He preserves them. He acts according to these rules, because He knows them; He knows them, because He made them; and He made them, because they are in relation to His Wisdom and power.

The Constitution also reveals that consistency. The preamble states the reasons for its establishment. First was the desire to form a more perfect union. The next three reasons were to establish justice, to ensure domestic tranquility, and to provide for the common defense. These are all Scriptural. Another reason was to promote the general welfare. Many in the twentieth century reinterpreted this to mean setting up a welfare state. Nothing could have been further from the minds of those who framed this document. The government was to maintain a climate of liberty that would benefit everyone. It was not a mandate to create a system that would help specific groups at the expense of everyone else.

The final reason was to secure liberty for the present and future generations. This shows that the Founders were not concerned just with their own well being, but that they wanted to create

a government that would stand the test of time, and continue to be beneficial to their children and their grandchildren.

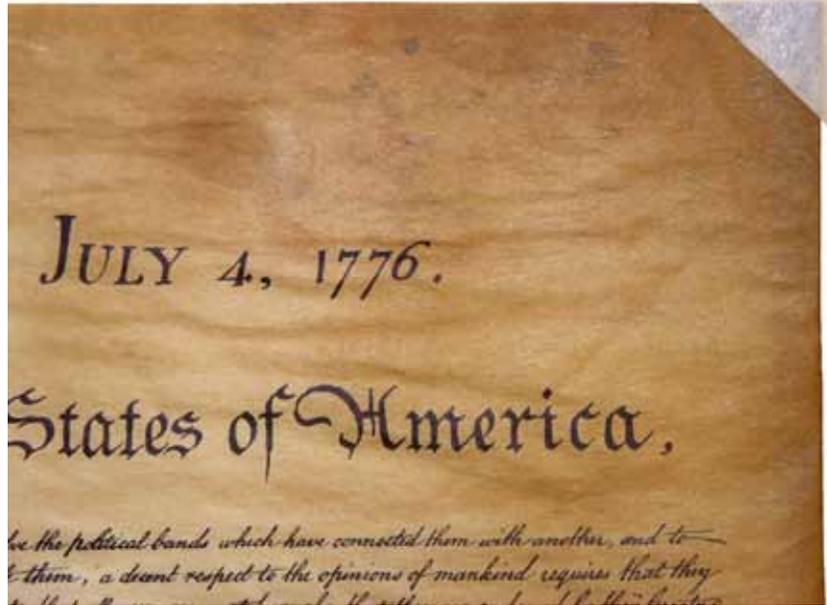
Some states ratified the Constitution on the condition that a Bill of Rights would be added to it. Consequently, in 1791, the first 10 amendments were ratified and became known as the American Bill of Rights. The First Amendment is probably the most famous. Within it is the declaration that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Notice that this is a specific limitation on the power of Congress. There was to be no official national religion (Christianity must be based on voluntary unity and union); neither could the national government inhibit anyone from worshiping God according to the dictates of his conscience. This says nothing about what the states could do; it was directed at the national government only. The rest of the amendment provides for freedom of speech, of the press, for peaceable assembly, and for petition for redress of grievances.

## The Lives of the Founders

Research into the lives of the Founders reveals that some were not Christian—for example, Benjamin Franklin and Thomas Jefferson were both Deists who believed in God but doubted the divinity of Christ—but that a whole host of other Founders were truly devout. These include: John Jay, who became the first Chief Justice of the Supreme Court and then president of the American Bible Society; Patrick Henry, the great American orator who led the opposition to the *Stamp Act of 1765*; Roger Sherman, who was a signer of both the Declaration and the Constitution; Elias Boudinot, who served as president of Congress during the 1780s; and John Witherspoon, a Presbyterian minister who also signed the Declaration, and who, as president of the College of New Jersey (now Princeton) helped educate a multitude of later officeholders, including President James Madison, 13 governors, three Supreme Court justices, 20 senators, and 33 congressmen.

## An Involved Faith

What does this mean for Christians today? The American heritage is built on a solid foundation of Biblical principles. Christians need not apologize for that or feel that we need to live in the shadows. God cares about how a society is governed. If Christians step aside, we will be complicit in society’s descent into degradation. Christians are called to be salt and light, and only by actively engaging society and helping to shape the policies under which we live can we hope to reverse the tide. We are watchmen, as the prophet Ezekiel said, and God will hold us accountable for how well we warned against danger. God also will reward us for our efforts to point others toward righteousness.



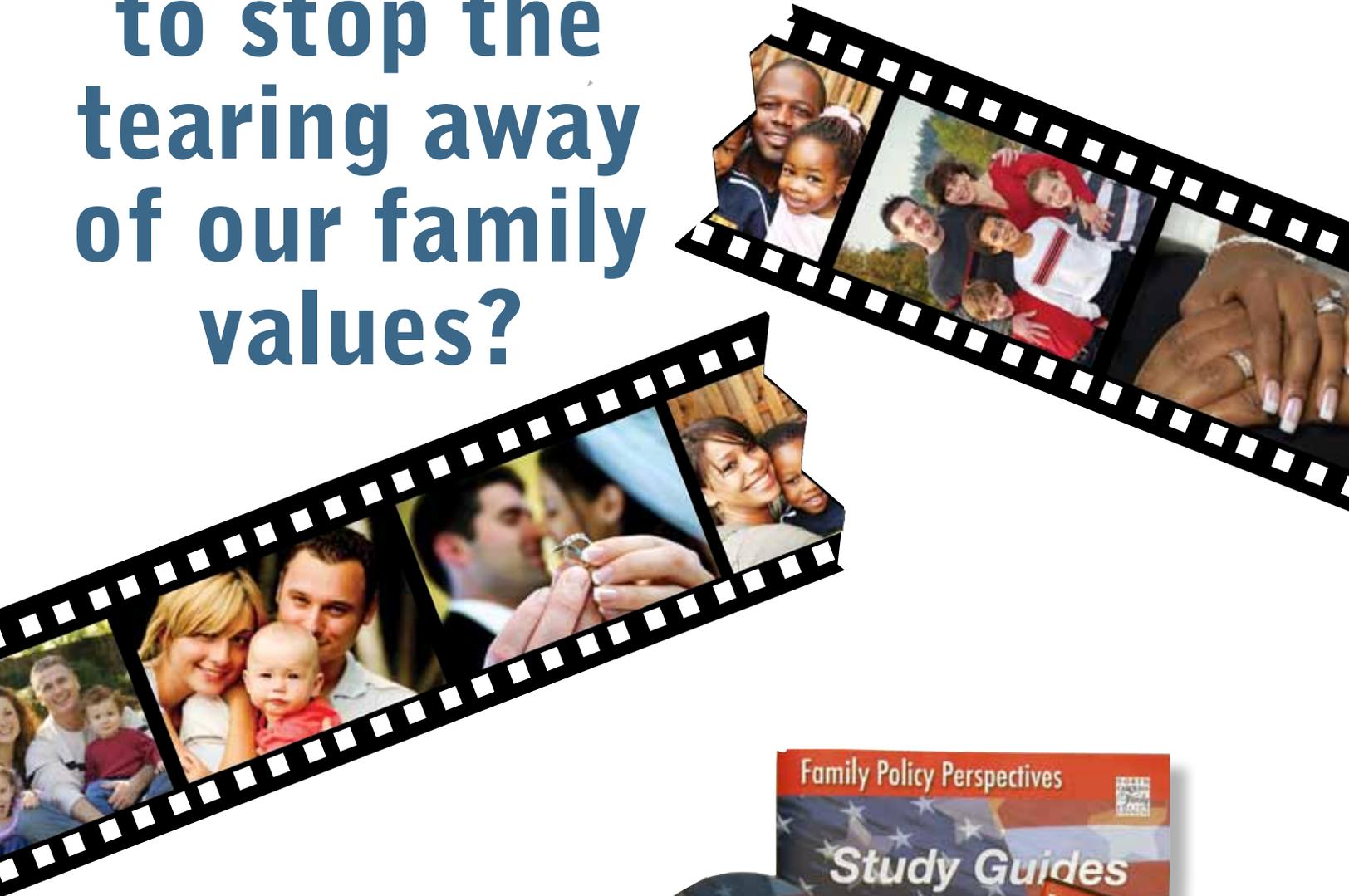
He expects us to be active in every area of society, including public policy.

Christians today should heed the words of the Reverend Jedidiah Morse, who said the following in an election sermon that he delivered in 1779:

The foundations which support the interests of Christianity, are also necessary to support a free and equal government like our own. . . . To the kindly influence of Christianity we owe that degree of civil freedom, and political and social happiness which mankind now enjoy. In proportion as the genuine effects of Christianity are diminished in any nation, either through unbelief, or the corruption of its doctrines, or the neglect of its institutions; in the same proportion will the people of that nation recede from the blessings of genuine freedom, and approximate the miseries of complete despotism. . . . Whenever the pillars of Christianity shall be overthrown, our present republican forms of government, and all the blessings which flow from them, must fall with them. ❖

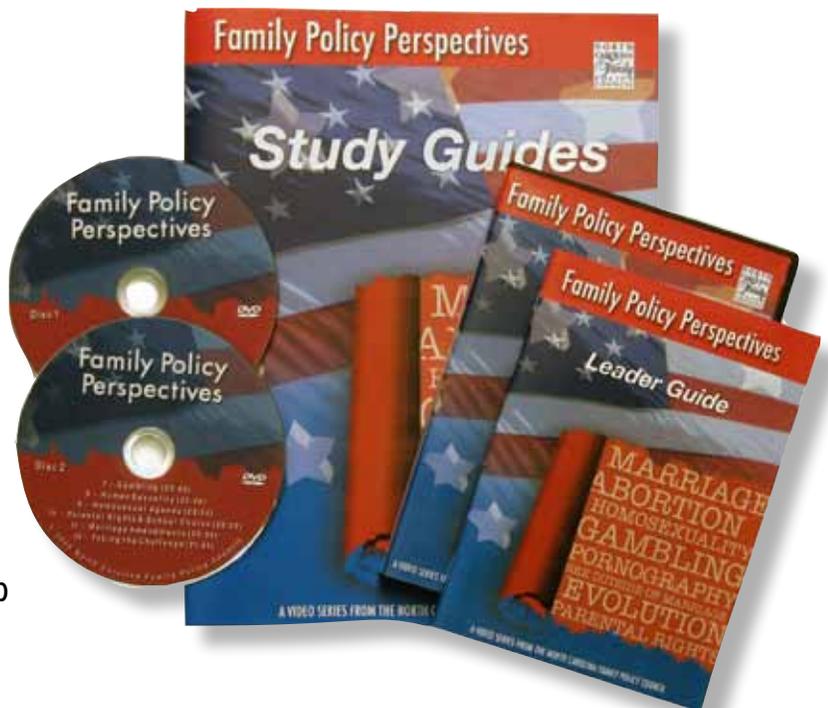
*Dr. Snyder is Professor of History at Southeastern University in Lakeland, Florida, and the author of: If the Foundations Are Destroyed: Biblical Principles and Civil Government and Defining Noah Webster: A Spiritual Biography. For a footnoted version of this article, please visit [ncfamily.org](http://ncfamily.org).*

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# **Life and Liberty**

**Why the Sanctity of Life Ethic  
is Necessary for Freedom**

*by: Mary Summa, J.D.*

*Warning: Some of the material in this article is not suitable for young readers. Parental discretion advised.*

**T**HE FOLLOWING TESTIMONY WAS GIVEN TO THE FIRST DISTRICT OF PENNSYLVANIA'S INVESTIGATING GRAND JURY XXIII, IN 2010:

“CROSS [THE MEDICAL ASSISTANT] WAS NOT THE ONLY ONE SURPRISED BY THE SIZE AND MATURITY OF BABY BOY A. ADRIENNE MOTON AND ASHLEY BALDWIN, ALONG WITH CROSS, TOOK PHOTOGRAPHS BECAUSE THIS WAS A BABY THAT COULD AND SHOULD HAVE LIVED. CROSS EXPLAINED:

**Q. WHY DID YOU ALL TAKE A PHOTOGRAPH OF THIS BABY?**

**A. BECAUSE IT WAS BIG AND IT WAS WRONG AND WE KNEW IT.**

Gosnell simply noted the baby boy's size by joking, as he often did after delivering a large baby. According to Cross, the doctor said, “This baby is big enough to walk around with me or walk me to the bus stop.”

Further testimony by the witness disclosed that after the abortion, the baby continued to breathe. Gosnell “just slit the [baby's] neck” and threw him in a shoebox.

On May 13, 2013, Kermit Gosnell was convicted of one count of involuntary manslaughter for overdosing a patient in his abortion clinic, and three counts of first degree murder of two babies who survived abortions. Days later he was sentenced to two and a half to five years for involuntary manslaughter and three sentences of life without parole.

Gosnell's actions horrified even the staunchest of pro-abortion advocates—but they should not have. Gosnell's deeds are just a logical next step in the war on humanity that began at the turn of the 20th Century, a war many believe does not affect them.

But it does. The God-given inalienable right to life is the wellspring from which all freedom flows, including the right to liberty and the right to property. All hinge on the belief in the equality of man and his inherent right to live. As history has shown, a government that fails to protect the sanctity of human life is a government that, ultimately, will be unable to protect liberty. A government that refuses to protect life and liberty will eventually enslave its citizenry.

## **Inherent Rights: Essential for Freedom**

To appreciate the significance of the right to life, one must understand the definition and origin of natural rights. A “right” is a legal entitlement to have something. Natural “rights” are rights inherent in man, which cannot be bestowed on or extinguished by man or by government.

In the 1600s, John Locke, an English philosopher, began writing about the natural rights of man rooted in nature. So controversial was the notion of natural rights, Locke never acknowledged its authorship while he was living. In his famous work, the *Second Treatise on Civil Government*, Locke wrote extensively about man's natural right to life, liberty, and property, and that government's proper role is to serve the people by protecting these rights.

Thomas Jefferson, an avid follower of John Locke, advocated natural rights as freedom's foundation in the Declaration of Independence: “We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these rights are life, liberty and the pursuit of happiness.”

Jefferson's words were “fighting words.” No people had ever claimed to be equal to their ruler or claimed rights separate and apart from those bestowed by government. Jefferson's words and notions inspired a nation, ignited the American Revolution, and launched the greatest experiment in freedom the world has ever known.

“**A government that refuses to protect life and liberty will eventually enslave its citizenry.**”

## **Sanctity of Human Life and Free Enterprise**

Many times, discussions about free enterprise center on economic theories and systems, rather than on the underlying foundations of economic freedom—the inherent quality and dignity of the human person. As noted by James Robinson and Jay Richards in their book, *Indivisible*, “the case for free enterprise—private property, limited government and free markets—is not merely economic.” To support their argument, Robinson and Richards use the staunch atheist, pro-abortion libertarian, Ayn Rand's quote, “Man—every man—is an end in himself.” Robinson and Richards assert that quote recognizes a commitment to the inherent dignity of the human person, and “that a human being is valuable because of what he or she is, apart from whether he or she is useful to anyone else.” That recognition, according to the authors, is the foundational principle of the pro-life position as well.

In an article entitled, “The Cause of Life Cannot Be Severed from the Cause of Freedom,” Congressman Paul Ryan (R-WI) argues that free market

choice and the right to life are indivisible. According to Congressman Ryan, “One implicates the other.” The freedom to make economic choices, a natural right, requires one to identify who has that right and, in essence, requires us to define what is “human.” Ryan concludes, “The freedom to choose is pointless, for someone who does not have the freedom to live.... How long can we sustain our commitment to freedom if we continue to deny the very foundation of freedom—life—for the most vulnerable human beings?”

## The Indivisibility of Life and Liberty

As the heart and lungs work together to keep a human’s physical heart beating, the God-given inherent rights to life and liberty operate together to keep the heartbeat of freedom alive. In 1774, Jefferson wrote to the Virginia Delegates of the First Continental Congress, “The God who gave us life, gave us liberty at the same time. The hand of force can destroy but not disjoin them.” Jefferson understood that liberty means nothing without the inherent right to life. Jefferson further understood that a government that abandons its primary function of protecting life will eventually abandon the obligation to protect the right to liberty.

History abroad provides gruesome examples. Hitler came to power as Chancellor in 1933. According to Richard Evans’ book, *The Third Reich at War*, one of the first things Hitler did was to attack the sanctity of human life. The medical profession at the time favored the sterilization of the handicapped, and in 1933, Hitler authorized them to do

so; in 1935, he allowed legalized abortion, and in 1939, euthanasia.

We know the rest of the story. The German government’s abandonment of protecting the God-given inherent right to life for some turned into one of the most horrible atrocities of the 20th Century—the Holocaust, where millions of Jews and political opponents of Hitler, forced into concentration camps, lost their inherent right to liberty and the right to life.

Communism tells the same story. Marxism, like Nazism, rejects the belief that man possesses any inherent rights, including the right to life. Unlike Nazism, however, one need not look in the annals of history to discover this fact. Current day Communist China provides thousands of examples. Most egregious, Communist China has, for years, enforced a “One Child Policy,” where women are forced to abort their child if they do not get official permission to become pregnant. Many women are then sterilized. Websites reporting this atrocity have been shut down by the government. Those who dare to speak out against it, including Catholic priests, are arrested and imprisoned. The Chinese government’s refusal to protect the sanctity of human life has led to a loss of liberty, including forced sterilization of mothers, a denial of free speech, and imprisonment for those who dare to speak against it.

In other countries, the refusal to protect the sanctity of life at the end of life has led to a denial of liberty as well. The “right to die” movement has been transformed into the “right to exterminate.” The Netherlands, a country that has allowed voluntary euthanasia since 1984, has crossed the threshold into involuntary euthanasia. A 2010 report indicated that of the 3,136 reported euthanasia deaths in the Netherlands, there were over 500 deaths without request or consent.

In 2012, a professor in England, Patrick Pullicino, claimed that England’s state-run health care system “kills off” an abundance of elderly patients each year. The Liverpool Care Pathway (LCP) was established to care for terminally ill patients. According to Pullicino, thousands of elderly are being placed on the LCP each year, and, too often, these patients are not terminally ill. This fact prompted Pullicino to characterize the LCP as “an assisted death pathway, rather than a care pathway.” A December 30, 2012 online news story reported that as many as 60,000 patients are put on the LCP each year without consent from them or their families.

## America’s Sanctity of Human Life Ethic

Agreeing with Locke, America’s founders also recognized that rights impose duties on individuals. The duty accompanying the right to life became known as the “sanctity of life” ethic, an ethic that



recognized the inherent value and equality of man, and society's obligation to protect it.

With the exception of the slavery issue, from its inception, the U.S. Constitution and laws—both common law and statutory law—reflected the sanctity of life ethic. The ethic fueled the passage of the Thirteenth Amendment constitutionally restoring to African-Americans their God-given natural rights. Subsequent movements designed to guarantee equal rights for African-Americans have been championed using this same ethic.

This sanctity of life ethic has profoundly influenced the direction of common law (law coming from court decisions), statutory law, and public policy. It served as the foundation of our laws criminalizing intentional harm against persons, including rape, assault, neglect and abandonment of children, and murder. It served as the catalyst for laws providing civil causes of action for personal injury and has served as the leaven to insure economic choice.

Reflecting the sanctity of life ethic for almost 130 years, government protected innocent human life by criminalizing murder and banning abortion, first by common law and then by statute. By 1900, every state had statutorily banned abortion.

### The Fall of the Right to Life

The Progressive Movement in the early 1900s brought with it the seedlings of an 18th Century theory that rejected the belief that man, because of his nature, possesses certain inherent rights. Jeremy Bentham, a 16th Century English philosopher, promoted the idea that man's rights, including man's right to life, should be based on usefulness to society, the greatest good and the greatest happiness. If man is not useful or is unwanted, his life can be extinguished with impunity. This theory became known as modern utilitarianism.

Utilitarianism's influence in public policy laid dormant most of the 18th and 19th Centuries, both in Europe and the U.S. In the early 1900s, it gained popularity in the U.S. among the intellectual and political elite. Prompted by this new theory of rights, in 1906, the Ohio Legislature considered the legalization of euthanasia. The measure was defeated by a vote of 78-22. Down but not out, euthanasia advocates realized that they would need to win in the public square before they would win in courts or legislatures.

### Forced Sterilization

These elites, sympathetic to the euthanasia movement, turned their attention and resources to other social movements linked in spirit to the euthanasia movement. The eugenics movement, which aimed at eliminating "undesireables" in society through forced sterilization, garnered enthusiastic support, both financial and political.

Initially tepid, support for forced sterilization heated up after the Supreme Court backed away

“With the exception of the slavery issue, from its inception, the U.S. Constitution and laws—both common law and statutory law—reflected the sanctity of life ethic.”

from its long-held stance protecting the sanctity of human life. In 1927, writing for the majority, Justice Oliver Wendell Holmes quipped, “Three generations of imbeciles is enough,” and decided that forced sterilization was constitutionally permissible. With the Court on their side, state legislatures boldly enacted laws legalizing forced sterilization. State officials began hunting down and forcibly sterilizing the “unfit.”

In some states, including North Carolina, the practice survived the negative publicity of the German eugenics programs and continued into the 1960s and, at least in the case of North Carolina, into the 1970s. The North Carolina program performed its last forced sterilization in 1974, seven years after North Carolina became one of the first three states to enact a eugenics-style abortion law, and two years after the Supreme Court handed down its infamous *Roe v. Wade* decision, which (in conjunction with *Doe v. Bolton*) legalized abortion throughout all nine months of pregnancy.

### Abortion

Although leaky, the sanctity of life ethic's dike held back anti-life forces until the Court's wholesale abandonment of the ethic in 1973 in *Roe v. Wade*. With the stroke of a pen, the Court nullified laws criminalizing abortion in all 50 states. The ruling not only opened the floodgates to the unbridled killing of the unborn through all nine months of pregnancy, it weakened or destroyed the sanctity of life ethic in all areas of law and medicine.

With no responsibility to protect all innocent human life, in 1976, state legislatures quickly turned their guns on the elderly and infirm.

### Involuntary Euthanasia

Amidst the swirl of passive voluntary euthanasia, an anti-life medical ethic began to gain traction. Known as the 'futile care theory,' this ethic promotes the idea that there is no inherent dignity to human life. Rather, personhood and the right to live

## Examples of NC's Assault on the Sanctity of Human Life

- 1919—North Carolina becomes one of the first southern states to enact a compulsory sterilization law. Due to the fear of its unconstitutionality, the law was not enforced.
- 1929—North Carolina enacts a second forced sterilization law, just two years after the Supreme Court found Virginia's forced sterilization law constitutional in *Buck v. Bell*, where Justice Oliver Wendell Holmes infamously wrote, "Three generations of imbeciles are enough."
- 1933—North Carolina enacts a third forced sterilization law after its 1929 law was found unconstitutional. This law established a Eugenics Board, which approved over 90 percent of those individuals recommended for sterilization by doctors and social workers.
- 1933—The State Health Department allowed Dr. Clarence Gamble, of the Proctor and Gamble soap fortune, to fund state-run birth control clinics around the state targeting the poor. By 1939, the Health Department ran 62 state clinics. With only three percent of the nation's population, North Carolina housed 13 percent of the nation's birth control clinics.
- 1947—Through the efforts of the newly established Human Betterment Society, North Carolina expanded its forced sterilization program at a time when many states were closing their programs in response to the media's attention to sterilization programs in Germany.
- 1963—North Carolina officials perform nearly one-half of the sterilizations nationwide.
- 1967—North Carolina becomes one of the first states to enact a eugenics-style abortion law.
- 1973—North Carolina General Assembly expands the N.C. abortion law to reflect the so-called "rights" created by *Roe v. Wade*.
- 1991—North Carolina legalizes living wills, allowing the patient to be starved by the withdrawal of artificial food and water. Living wills were first invented in 1949 by the Euthanasia Society of America and the Euthanasia Educational Council, but shelved due to lack of support.
- 2007—North Carolina becomes one of seven states to legalize MOST Documents, a two-page document that may supercede the rights of patients, and is promoted by an Oregon euthanasia organization.
- 2013—North Carolina Senate fails to act on a law banning assisted suicide, leaving North Carolina as one of only three states with no law on the matter.

should be determined by the cognitive ability of the patient. The severely mentally disabled, the newborn infant, the patient in a persistent vegetative state—all lack the requisite cognitive ability to warrant protection by the State. Introduced to medicine by Princeton Professor Peter Singer, this morality now holds a significant role in the practice of medicine.

Recently, the futile care theory has slithered its way into state laws. Two states, Virginia and Texas, allow doctors, after 14 and 10 days, respectively, to withdraw life-sustaining care over the objection of the patients or their loved ones, if the doctor believes the patient's life is not worth saving.

This new ethic is also being used to trample parental rights. In 2004, in Houston, Texas, Wanda Hudson's son was born with a type of dwarfism that affected his lung and chest cavity development. The doctors decided to shut off his ventilator. The mother sued. Citing the Texas futile care law, the doctors won, the ventilator was shut off, and Wanda Hudson's son died. Reportedly, this is the first case of its kind where a child's ventilator was shut off over the objection of a parent.

Although currently legal in only four states, several states are considering legalizing assisted suicide. Investigations are now showing that, at least in some cases, assisted suicides are no longer "voluntary" and no longer "assisted," but rather are intentional takings of life by another person.

Oregon's callous disregard for the sanctity of human life, at least arguably, seems to have had a chilling effect on the prosecutions of murder as well. Clarietta Day had made it clear to her doctors that she did not want extraordinary means taken to extend her life. At the age of 78 she suffered a severe stroke. The internist, Dr. James Gallant, took her off life support. She continued to live. So taking matters into his own hands, Gallant put a magnet over her pacemaker in an attempt to force Ms. Day into cardiac arrest. Her heart continued to beat. So, to finish the job, he injected her with a lethal drug and Ms. Day died within 15 minutes. Although suspended from practicing medicine for 60 days and reprimanded, the local prosecutor refused to prosecute the doctor for murder, claiming the effort would serve "no useful purpose."

The intersection between the right to life and the right to liberty became blatant several years ago when two Oregon citizens on the State Health Plan, Barbara Wagner and Randy Stroup, were denied coverage for their cancer drugs. Both received letters from the state denying payment for the cancer drugs, but saying that the state would cover the cost of their physician assisted suicide. In other words, the state was not interested in helping them live, but was very interested in helping them die, and would use taxpayer funds to do so.

### "Passive Infanticide"

As horrific as Gosnell's acts described at the outset of this article, no one should be surprised. Gosnell simply went one step further than what occurs in U.S. hospitals today. The right to abortion in many states, including North Carolina, has been extended outside the womb to include babies who survive abortion. In these states, if the baby is intended to die in utero, it has no right to live, period.

The federal Born Alive Infant Protection Act was enacted, amidst much fanfare, to end this travesty. Due to defects in the legislation, however, the law's effect was dead on arrival the moment it was signed. Nothing, to date, has been done to resurrect it. Twenty-eight states, however, have done something

about it, and have laws requiring medical assistance for babies who survive abortion. Twenty-two states, including North Carolina, do not.

The fact that babies survive abortion and are then left to die seems almost like a routine matter. The North Carolina Women's Hospital at the University of North Carolina-Chapel Hill has produced and published a fact sheet for their patients entitled, "Pregnancy Termination Using Induction of Labor." One of the questions listed is "Will my baby be born alive?" The fact sheet, readily available on the Internet, nonchalantly states, "If your baby is born alive he/she can be kept warm and given comfort until breathing stops. A nurse can do this if you and your family are not able."

Many proponents of abortion argue that the numbers of babies who survive abortion are so small that it is an insignificant issue. A 2007 UK study, however, indicates otherwise. That study found that 1 in 30 babies survive abortion. These babies were aborted due to fetal abnormality, which begs the question, "What if the babies were perfectly healthy at the time of the abortion. How many of them survive?" No one knows.

### **"Creation of Life" Issues**

Arguably, the most visceral attack on human life occurs before the child even reaches the womb. Known as Artificial Reproductive Technology, it includes both In Vitro Fertilization (IVF) and Intracytoplasmic Sperm Injection (ICSI). Both techniques involve fertilizing a human ovum with a human sperm outside the womb and the transfer of one or more of the produced embryos into the womb of a woman.

While media attention has focused on the end result—the birth of a child—very little is ever reported on the human lives abandoned and left in clinic freezers, or destroyed by researchers attempting to advance embryonic stem cell research.

Of late, pro-life ethicists have become alarmed at the ever-increasing use of Pre-implantation Genetic Diagnosis (PGD). According to the Center for Genetics and Society, three-quarters of U.S. IVF clinics offer the service. Prior to implantation, embryos can be screened for genetic dispositions for Alzheimer's, Huntington's Disease, polycystic kidney diseases, and certain types of cancers. Embryos that are "pure" are allowed to live. "Defective" embryos are destroyed outright or used for research. This science is not being used to find a cure for diseases, but simply being used to "weed out" undesirables, a goal eerily similar to the eugenics movement of the 20th Century.

Most recently, the technique has been used to advance the absurd desire for designer babies. A Los Angeles clinic, the Fertility Institute, uses PGD to provide parents with the opportunity to choose desired traits of their child, including sex and eye



color. According to a 2012 ABC report, the clinic draws patients from around the world.

### **"Who We Are"**

In a speech given in 1995 at Notre Dame, the late Pennsylvania Governor, Robert Casey said the following:

Human life cannot be measured. It is the measure itself. The value of everything else is weighed against it. The abortion debate is not about how we shall live, but who should live. And more than that, it's about who we are.

Casey's comments call individuals to question not only who we are as individuals, but who we are as a nation. Do Americans still believe, as the forefathers did, that all men are created equal and that every man has a right to liberty, including economic liberty? Or is America now a nation that believes man is no longer equal, the powerful should hold sway over the powerless, and the weak should serve at the mercy of the strong?

Hundreds of thousands of men and women have died fighting to save liberty. The answers to these questions will determine whether such liberty enjoyed today will survive tomorrow. For the millions around the world who yearn to breathe the air of freedom here in America, they are waiting for an answer. America's children wait as well.

True liberty and equality must be returned back to this nation's shores. That cause can begin by renewing the fight for the wellspring of all freedom, which is the inherent right to life for each and every human being from the moment of their natural conception to the moment of their natural death. ❖

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## Freedom and Responsibility

*Why High Moral Standards are Crucial to Sound Public Policy*

written by:  
**Brittany  
Farrell**

**T**HE SUCCESS OF THE GREAT AMERICAN EXPERIMENT DEPENDS UPON A VIRTUOUS AND EDUCATED CITIZENRY. THIS DEPENDENCE IS NECESSITATED BY THE MYRIAD OF RESPONSIBILITIES THAT ARE ASSOCIATED WITH LIBERTY. AS GEORGE BERNARD SHAW SAID, “LIBERTY MEANS RESPONSIBILITY. THAT IS WHY MOST MEN DREAD IT.” THIS FUNDAMENTAL RELATIONSHIP BETWEEN LIBERTY AND RESPONSIBILITY THAT THE FOUNDERS WEAVED INTO THE AMERICAN SYSTEM OF SELF-GOVERNANCE HEARKENS TO A MUCH OLDER AND WISER SOURCE—SCRIPTURE. “FROM EVERYONE TO WHOM MUCH HAS BEEN GIVEN, MUCH WILL BE REQUIRED; AND FROM THE ONE TO WHOM MUCH HAS BEEN ENTRUSTED, EVEN MORE WILL BE DEMANDED” (LUKE 12:48). AMERICANS “HAVE BEEN THE RECIPIENTS OF THE CHOICEST BOUNTIES OF HEAVEN,” AS ABRAHAM LINCOLN PROCLAIMED IN 1863. THEREFORE, AMERICANS CARRY SOME OF THE GREATEST RESPONSIBILITIES AS INDIVIDUALS AND AS A NATION TO PRESERVE AND PROMOTE THOSE LIBERTIES.

Our nation’s second President, John Adams, penned the following on June 21, 1776:

Statesmen, my dear Sir, may plan and speculate for liberty, but it is Religion

and Morality alone, which can establish the Principles upon which Freedom can securely stand. The only Foundation of a free Constitution is pure Virtue, and if this cannot be inspired into our People in a greater Measure, than they have it now, they may change their Rulers and the forms of Government, but they will not obtain a lasting liberty.

Liberty is dependent upon virtuous behavior and morality. Likewise, prudent public policy expects and encourages citizens to seek the best for themselves and for others. While acknowledging that people are not perfect, the standard in public policy should be for the highest personal and common good. This is why the North Carolina Family Policy Council works on a wide variety of divergent policy issues, such as gambling, alcohol and drug policy, pornography, parental rights, education policy and curricula, and religious freedom. Each of these issues is closely connected to the vital importance of virtue and personal responsibility in maintaining a healthy society.

### Personal Responsibility

Because the American experiment in self-governance relies so heavily on a moral citizenry, public policy should be oriented toward a high moral standard of behavior that benefits individuals, and thereby society as a whole. Issues that at first seem to be solely personal in nature—gambling, alcohol and drug use, and pornography—actually have a broader impact in the way they alter the relationships between individual participants, and those with whom they come in contact.

### Gambling

The harms to both individuals and communities that are associated with gambling are widespread and well documented. The financial, emotional, relational, and social costs that accompany the inevitable rise in gambling addicts when the practice is legalized provide ample reasoning for lawmakers to reject any expansion of gambling. Nationwide, five percent of the adult population that gamble are estimated to be addicted to gambling (either as pathological or problem gamblers). Pathological gambling is defined by the American Psychological Association (APA) as individuals who exhibit more than five of the 10 criteria the APA has outlined to diagnose someone with a gambling problem, while a problem gambler exhibits several, but less than five, of the APA’s criteria. The costs associated with gambling addiction far outweigh any alleged benefit to gambling legalization in terms of individual choice or government tax collections.

**Familial Costs.** Gambling addiction destroys not only the lives of those who participate, but also the financial and emotional stability of their families.

Families of problem gamblers report increased physical and emotional abuse of spouses and children, divorce, child neglect, and alcohol and drug abuse. Children of compulsive gamblers are more likely to drink alcohol, smoke, overeat, use drugs, and to develop a gambling disorder of their own.

**Economic Costs.** Individuals, families, and communities are also then forced to take on the additional financial burden of caring for and treating gambling addicts. The economic costs of problem and pathological gambling include costs related to crime, business losses, bankruptcy, suicide, illness, social services, and family issues. In addition, research consistently finds that gambling operations are associated with increased crime rates in the surrounding community. A 1999 report by Drs. William Thompson and Frank Quinn, which analyzed the economic cost of video poker in South Carolina, conservatively estimated that each pathological gambler cost the people of South Carolina \$6,299 annually (\$1,479 of this in government services). Each problem gambler cost South Carolinians \$3,338. A 2010 national evaluation of gambling costs by Focus on the Family estimated that pathological gambling in adults costs about \$12,205 per addicted gambler, per year in the United States. The report estimated that problem gambling costs \$3,478 per adult problem gambler, per year.

## Alcohol

Alcohol is not an ordinary commodity. It represents the number one drug problem in the United States. As a “control” state, where the distribution and sale of alcohol is heavily regulated, North Carolina’s system of alcohol distribution is designed to protect the public as much as possible from alcohol problems, while generating significant revenue for the government. This carefully developed control system is intentional in its attempt to limit alcohol consumption, and thereby reduce the prevalence of alcohol-related harms in North Carolina.

**Risks.** North Carolina has made a public policy decision to work toward protecting youth from the lure of one of the most tempting and seemingly innocuous drugs on the market by limiting the availability of alcohol across the state. Part of this decision is based on evidence that shows a link between alcohol availability and increased violence. Increased availability of alcohol is also linked to excessive drinking, drunk driving, and alcohol-related assault and injury. According to a 2010 *Lancet* study, alcohol causes more harm than crack cocaine or heroin. With an overall score of 72, alcohol was rated the most harmful drug to society, and the fourth most harmful drug to individual users. The data is no better from a cost perspective. In 2008, the North Carolina Institute of Medicine Task Force on Substance Abuse Services reported to the North Carolina General Assembly that underage drinking costs the state an estimated \$1.2 billion annually.

## Marijuana

Laws related to marijuana are yet another example of the responsibility borne by each citizen to make wise and healthy choices, as well as the role of government to enact public policy that sets a high standard of behavior (and enforces that standard) for the benefit of both individuals and society. The federal government rightly classifies marijuana as a Schedule 1 controlled substance based on the drug’s high potential for abuse, lack of acceptable medical use in treatment, and “lack of accepted safety.” This classification is even more justified today in light of the increased potency of the drug. Nonetheless, efforts continue on the state and federal levels to legalize the use of this drug for medicinal and recreational purposes.

**Health Risks.** Despite arguments that marijuana use only impacts the user, taxpayers across the country are already incurring the cost of marijuana-related emergency room visits. Marijuana use in either the short-term or long-term brings an array of negative health effects, including impaired memory and motor coordination; altered judgment, decision-making, and mood; cardiac, respiratory, and psychiatric complications; and poorer educational and job outcomes. These risks are exacerbated in youth populations.

The drug’s addictive nature brings with it the cost to suffering individuals of lost educational, career, and personal success. However, addicts of any kind, from gambling to alcohol to marijuana, incur a social cost as well in the form of lack of productivity and increased dependency on government programs.

## Pornography

Exposure to pornography, whether by adults or children, hurts individuals, families, and society. As Dr. Patrick Fagan explained in his 2010 article on the topic in this publication:

Pornography has significant effects during all stages of family life. For a child exposed to pornography within a family setting, pornography causes stress, and

“Gambling addiction destroys not only the lives of those who participate, but also the financial and emotional stability of their families.”



increases the risk for developing negative attitudes about the nature and purpose of human sexuality. For adolescents who view pornography, their attitudes toward their own and others' sexuality change, and their sexual expectations and behavior are shaped accordingly. For adults, pornography has harmful and even destructive effects on marriage.

Dr. Fagan's research found an assortment of personal and social ills associated with consumption of pornography, including: the commodification of women as "sex objects;" increased risk of job loss, financial strain, separation, and divorce; decreased parental attention to children; lower self-esteem; loneliness; depression; increased sexual intercourse with non-romantic friends; increased likelihood of teenage pregnancy; decreased intimacy; a "diminished belief in the importance of marital faithfulness" and increased "doubts about the value of marriage as an essential social institution and further doubts about its future viability."

Government's responsibility to protect citizens, in part by insisting on a high standard of conduct in areas that involve human interaction, necessitates

the enactment of public policy that (1) prevents the victimization and degradation of individuals (usually women) who are the subject of pornography, and (2) deters the production, dissemination and consumption of pornography due to its deleterious effects on society.

## Parental Rights

Most parents will act in the best interest of their children, and government should err on the side of supporting fit parents, while being sure to have safeguards in place to shelter children from abusive situations. Even when government or society does not agree with the decision of an individual parent, particularly regarding a child's interaction with extended family, such as grandparents, or the family's preferred education method and curriculum, both state and federal courts have consistently ruled that in the absence of danger, abuse, or neglect, the right of fit parents to make those decisions is fundamental. In particular, the U.S. Supreme Court has repeatedly affirmed that the parental right to direct the care, custody, and control of their children is a constitutionally protected liberty. The fundamental nature of this right, the Court has stated, stems from the duty society places on parents to prepare children for life.

## Education

It is important to remember that the success of the American experiment in self-governance is absolutely dependent on an educated citizenry. While recognizing that American society and government is only functional when those living in and under it are able to make wise and educated decisions, it is also important to note that this does not mean all individuals will reach educational success using the same means. For this reason, religious and government leaders have long noted that parents are the first and primary educators of their children. Schools should be providing a supplemental support for parents in this foremost function of their vocation. Part of building a successful partnership where parents and schools are working together is ensuring that parents have the legal and financial freedom to make the best educational decisions for their children.

## School Choice

The primary way for government to partner with parents in the area of education is by ensuring, as much as possible, that all children are afforded the educational opportunities that are most appropriate to their individual needs. This means recognizing that for some students and their families, the optimum environment is a public school, while for other families, it is a homeschool, private school, or alternative public school, like a charter or magnet school. In most cases, there is no one better equipped to make this determination than a child's parents.

**“The success of the American experiment in self-governance is absolutely dependent on an educated citizenry.”**

Still, the exact public policy approach to encouraging parental choice in children's educational opportunities can be debated. Reasonable arguments exist for everything from charter schools to vouchers to tax credits to government or corporate scholarship programs. However, the primary purpose of any of these efforts remains the same—public policy should empower, embolden, and encourage parents to make the decision about where and how their child will be educated without respect to zip code or income.

### *Abstinence-Until-Marriage*

One of the primary purposes of sexual activity is the procreation of children. Because of this indisputable fact, government justifiably associates parenthood with certain above-mentioned rights in recognition of the tremendous responsibilities of parenthood. Both society and government have a vested interest in encouraging responsible parenthood. More importantly, children deserve to be born to a married mother and father who both want them and who are equipped to care for them. Abstinence-until-marriage (AUM) education aids this social aim by equipping youth with the knowledge and tools they need to understand the incredible responsibility that is parenthood, and, in turn, to understand that one of the primary and often unavoidable results of sexual activity is children.

Two primary reasons exist for North Carolina to maintain its focus on providing good AUM education to public school students: (1) AUM provides the best message and motivation to help youth make the healthiest and wisest decisions regarding sexual activity; and (2) Parents overwhelmingly and consistently support AUM programs. This high standard for students has helped yield dramatic drops in teen pregnancy and STD rates over several decades.

## **Religious Freedom**

The Bill of Rights opens with a clear and concise statement of the fundamental right individuals have to practice or not practice the religion of their choosing. This right is prominently enshrined in America's founding document by intention. Many moved to the "New World" not based on an ethereal philosophical theory of liberty, but in search of true religious freedom. Several of the original colonies were founded almost exclusively by various religious sects looking for a peaceful life and the freedom to practice religion according to the dictates of their conscience.

Today, there is an increasing trend to deny individuals their constitutional rights to the free exercise of religion based on where they happen to find themselves at a particular moment—in a classroom, in a courtroom, or in a boardroom at work, for instance. However, it is false to posit that where an individual chooses to express some aspect of their

“**Today, there is an increasing trend to deny individuals their constitutional rights to the free exercise of religion based on where they happen to find themselves at a particular moment.**”

faith automatically impacts the constitutionality of that action. Students, public servants, and business owners and workers do not relinquish their rights when they walk through the school or office door.

In fact, a strong argument can be made that such a stifling of religious expression in “public” runs directly counter to the interests of government and society in cultivating a moral citizenry that not only largely controls itself, but that relies on individual persons and organizations to care for the needs of others, rather than a burgeoning government. George Washington said as much.

In his farewell address in 1796, President George Washington warned:

Of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity.

## **Indispensable Supports**

The mission of the North Carolina Family Policy Council is to aid in the great work of maintaining these pillars of freedom and responsibility through our work on so many of the issues that face families, society, and government today. Our goal is to connect the dots between apparently disparate issues that either directly or indirectly impact the health and well-being of individuals, families, and societies. By doing so, the Council helps North Carolina policymakers and the public become better equipped to craft public policy that will preserve the rights and opportunities that are so unique to the American way of life for generations to come. ❖

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## Briefs

## Marriage Battle Update, the Boy Scouts, and Prayer

compiled by:  
**Alysse  
 ElHage,  
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## Supreme Court Rules on Marriage

The U.S. Supreme Court issued its long-awaited decisions in two pivotal marriage cases in June, and there are two key points from the rulings that pro-family citizens can celebrate: the high court did NOT legalize same-sex “marriage” nationwide, and it did NOT strike down California’s marriage amendment. Despite this good news, the Supreme Court handed marriage redefinition proponents a partial victory in its decision to strike down part of the federal Defense of Marriage Act (DOMA) as unconstitutional, and in its refusal to recognize the rights of millions of California voters by finding that the proponents of Proposition 8, the state’s marriage amendment, did not have standing to defend it in federal court. While both sides of the marriage debate differ in their interpretations of the implications of the high court’s decisions, what is certain is that the battle for the institution of marriage is far from over and will continue to play out at all levels.

**DOMA Ruling.** On June 26, the Supreme Court struck down the constitutionality of Section 3 of the federal Defense of Marriage Act (DOMA) in a 5 to 4 decision in *United States v. Windsor*. The majority opinion, which was authored by Justice Anthony Kennedy and joined by Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor, and Elena Kagan, found that Section 3 of the federal DOMA violates the Equal Protection Clause of the 5th Amendment because, the court said, “it deprives

some couples married under the laws of their State, but not others, of both rights and responsibilities, creating two contradictory marriage regimes within the same State.” The majority opinion points to the fact that same-sex “marriage” is now legal in New York (where the *Windsor* case originated) and 11 other states, and argues that by not recognizing these same-sex unions as “marriages,” the federal government was violating “basic due process and equal protection principles.”

The good news in the *Windsor* decision is that the Supreme Court limited its ruling to the federal DOMA, which defined marriage for federal purposes as the union of one man and one woman. In the majority opinion, Justice Kennedy recognized the authority of the states to define and regulate marriage, and made it clear that “this opinion and its holding are confined to those lawful marriages” under state law. Importantly, the Court did not declare same-sex “marriage” to be the law of the land, nor did it attempt to force all states to recognize the same-sex “marriages” of other states where it is legal, which is good news for states, such as North Carolina, where marriage is defined as the union of one man and one woman in both statute and in the constitution.

Chief Justice John Roberts emphasized the limited impact of the Court’s decision in his dissent in *Windsor*, joined by Justices Scalia, Thomas and Alito. “[W]hile I disagree with the result to which the majority’s analysis leads in this case, I think it more important to point out that its analysis leads no further,” Roberts noted. “The Court does not have before it, and the logic of its opinion does not decide, the distinct question whether the States, in the exercise of their ‘historic and essential authority to define the marital relation,’ may continue to utilize the traditional definition of marriage.”

Despite the fact that the Court recognized the right of the states to determine their own marriage laws, Justice Antonin Scalia warned of the *Windsor* ruling’s far-reaching impact in his dissent from the majority. According to Justice Scalia, the majority opinion, “accuses the Congress that enacted [the federal DOMA] and the President who signed it of something much worse than, for example, having acted in excess of enumerated federal powers—or even having drawn distinctions that prove to be irrational. Those legal errors may be made in good faith, errors though they are. But the majority says that the supporters of this Act acted with malice ... to disparage and to injure same-sex couples. It says that the motivation for DOMA was to ‘demean,’ to ‘im-



pose inequality,’ to ... brand gay people as ‘unworthy,’ and to ‘humiliat[e]’ their children.” Scalia continued, “to defend traditional marriage is not to condemn, demean, or humiliate those who would prefer other arrangements, any more than to defend the Constitution of the United States is to condemn, demean, or humiliate other constitutions. To hurl such accusations so casually demeans this institution.”

Finally, Scalia issued a strong warning about how the Court’s DOMA decision negatively portrays traditional marriage advocates. “In the majority’s judgment, any resistance to its holding is beyond the pale of reasoned disagreement. To question its high-handed invalidation of a presumptively valid statute is to act (the majority is sure) with the purpose to ‘disparage,’ ‘injure,’ ‘degrade,’ ‘demean,’ and ‘humiliate’ our fellow human beings, our fellow citizens, who are homosexual,” Scalia writes. “All that, simply for supporting an Act that did no more than codify an aspect of marriage that had been unquestioned in our society for most of its existence—indeed, had been unquestioned in virtually all societies for virtually all of human history. It is one thing for a society to elect change; it is another for a court of law to impose change by adjudging those who oppose it *hostes humani generis*, enemies of the human race.”

The Alliance Defending Freedom (ADF) explains that the Supreme Court’s decision to strike Section 3 of DOMA “effectively means we will no longer have a national definition of marriage. The federal government may now be required to accept any legal definition of marriage that a particular state invents. This leads to many unanswered questions, [and] new government burdens...” However, ADF notes that the decision “will not end the national debate over marriage.”

**Proposition 8:** The high court also issued its decision in *Hollingsworth v. Perry*, the case involving California’s marriage amendment, Proposition 8, on June 26. In another 5 to 4 ruling, the Supreme Court declined to rule on the constitutionality of Proposition 8, instead determining that the proponents of Proposition 8, who were leading its defense in court, did not have “standing” to defend the amendment.

Chief Justice John Roberts, who wrote the majority opinion in the decision joined by Justices Kagan, Scalia, Ginsburg, and Breyer, argued that Proposition 8 proponents “have no ‘personal stake’ in defending [the marriage amendment’s] enforcement that is distinguishable from the general interest of every citizen in California.” Justice Roberts goes on to emphasize that, “The Court does not question California’s sovereign right to maintain an initiative process, or the right of initiative proponents to defend their initiatives in California courts. But standing in federal court is a question of federal law, not state law. No matter its reasons, the fact that a State thinks a private party should have standing to seek relief for a generalized grievance cannot override this Court’s settled law to the contrary.”

“The essence of democracy is that the right to make law rests in the people and flows to the government, not the other way around.”  
— Justice Kennedy

The majority opinion concludes by noting that the Court has “never before upheld the standing of a private party to defend the constitutionality of a state statute when state officials have chosen not to. We decline to do so for the first time here.” It continues, “Because petitioners have not satisfied their burden to demonstrate standing to appeal the judgment of the District Court, the Ninth Circuit was without jurisdiction to consider the appeal. The judgment of the Ninth Circuit is vacated, and the case is remanded with instructions to dismiss the appeal for lack of jurisdiction.”

In his dissent from the majority opinion in *Hollingsworth*, Justice Kennedy wrote, “The essence of democracy is that the right to make law rests in the people and flows to the government, not the other way around. Freedom resides first in the people without need of a grant from government.” Justice Kennedy also warned that the majority’s ruling “has implications for the 26 other states that use an initiative or popular referendum system and which, like California, may choose to have initiative proponents stand in for the State when public officials decline to defend an initiative in litigation.”

Almost immediately after the Supreme Court’s decision, the U.S. Court of Appeals for the Ninth Circuit issued an order on June 28, dissolving a stay it had previously placed on a district court order that found Proposition 8 unconstitutional. That order from the Ninth Circuit Court of Appeals allowed officials in California to begin issuing marriage licenses to same-sex couples. In response, the Alliance Defending Freedom (ADF) filed an emergency application with Supreme Court Justice Anthony Kennedy, who decides certain matters related to the Ninth Circuit. ADF asked Justice Kennedy to vacate the order by the Ninth Circuit and halt the issuing of marriage licenses to same-sex couples until the Supreme Court’s ruling is officially certified. According to ADF, “[c]ourt rules require the 9th Circuit to wait for a certified copy of the judgment from the Supreme Court before taking action, and the high court has not yet issued its certified judgment.” The emergency application to the high court described the Ninth Circuit’s order as

“the latest in a long line of judicial irregularities that have unfairly thwarted Petitioners’ defense of California’s marriage amendment... Failing to correct the appellate court’s actions threatens to undermine the public’s confidence in its legal system.” Unfortunately, Justice Kennedy denied ADF’s request.

“It is extremely unfortunate that the United States Supreme Court did not take a definitive stand in defense of marriage as one man and one woman in the two opinions the court issued on June 26,” said John Rustin, president of the North Carolina Family Policy Council. “However, we can rejoice in the fact that the High Court did not redefine marriage nationwide, nor did it overturn California’s marriage amendment. Both of these facts are good news for North Carolina. The High Court’s opinions do not impact the status of marriage law here, including the Marriage Protection Amendment passed by 61 percent of North Carolina voters last year.” Rustin emphasized, “Marriage in North Carolina remains the union of one man and one woman.”

## State Marriage Battle Continues

Efforts to make Illinois the 13th state to redefine marriage have been stymied for now as the state legislature adjourned without taking a vote on a marriage redefinition bill that was thought to be inevitable. On May 31, Representative Greg Harris (D–Chicago) announced on the floor that there would not be a vote on S10—Civil Law-Tech due to a lack of support. Harris was the bill’s sponsor in the Illinois State House.

S10—Civil Law-Tech would enact the Religious Freedom and Marriage Fairness Act to allow same-sex “marriage” in Illinois by redefining the legal definition of marriage from “between a man and a woman” to “between two persons.” The Senate passed the bill, which was sponsored by 11 State Senators and 19 State Representatives, by a 34-21 vote on February 14. Governor Pat Quinn has vocally supported the bill and stated his intention to sign it into law, should it pass the Legislature. Opposition to the bill has been strong among the state’s black pastors and Catholic bishops.

The bill would also have implemented a process for Illinois residents in a currently-legal civil union relationship to convert those to marriages within a year. Illinois legalized civil unions in 2011. The bill does include some religious protections, such as not requiring religious organizations to perform same-sex “marriages” or make their facilities available for such events. The no-vote on S10 is not necessarily the last word on the issue in Illinois. The measure is expected to be brought up for a vote in the House when lawmakers return in the fall.

So far in 2013, three states—Delaware, Rhode Island, and Minnesota—have redefined marriage to include same-sex couples. In May, lawmakers

in Delaware approved a measure to grant marriage licenses to same-sex couples. In addition to Delaware, Rhode Island, and Minnesota, nine other states—Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, and Washington—plus the District of Columbia also allow same-sex “marriage.” Thirty states, including North Carolina, have approved constitutional amendments preserving marriage as only between one man and one woman. North Carolinians approved a Marriage Protection Amendment in May 2012 by a 61 percent to 39 percent margin.

## BSA Changes Youth Membership Policy

In a move that could lead to the exodus of hundreds of thousands of Scouts, the Boy Scouts of America (BSA) will grant membership to boys who identify as homosexual, under a controversial resolution adopted on May 23 by a majority of the BSA National Council. According to the BSA’s *Scouting* magazine, 61.44 percent of the National Council’s 1,400 members voted in favor of the policy change, while 38.56 percent voted against it. The vote changes the BSA’s long-standing membership standards policy that prohibited youth and adult membership to “open and avowed homosexuals,” by removing the prohibition for openly homosexual youth. The approved policy change, which will go into effect beginning January 2014, states in part: “No youth may be denied membership in the Boy Scouts of America on the basis of sexual orientation or preference alone.”

In a statement following the vote, the BSA emphasized that in addition to “removing the membership restriction regarding sexual orientation ... the resolution also reinforces that Scouting is a youth program, and any sexual conduct, whether heterosexual or homosexual, by youth of Scouting age is contrary to the virtues of Scouting. A change to the current membership policy for adult leaders was not under consideration; thus, the policy for adults remains in place.”

While homosexual advocacy groups celebrated the vote as a “historic moment,” they plan to continue their campaign to pressure the BSA to allow openly homosexual adults to serve as leaders. Zach Wahls, Founder of the pro-homosexual Scouts for Equality, which has led the campaign to pressure the BSA into changing its membership policy, applauded the vote in a statement, but added, “We look forward to the day where we can celebrate inclusion of all members and are committed to continuing our work until that occurs.”

Pro-family organizations called the vote a “sad day for Scouting,” and announced that they would discuss plans for a potential exodus from the Scouts. “It is with great sadness and deep disappointment that we recognize on this day that the most influen-

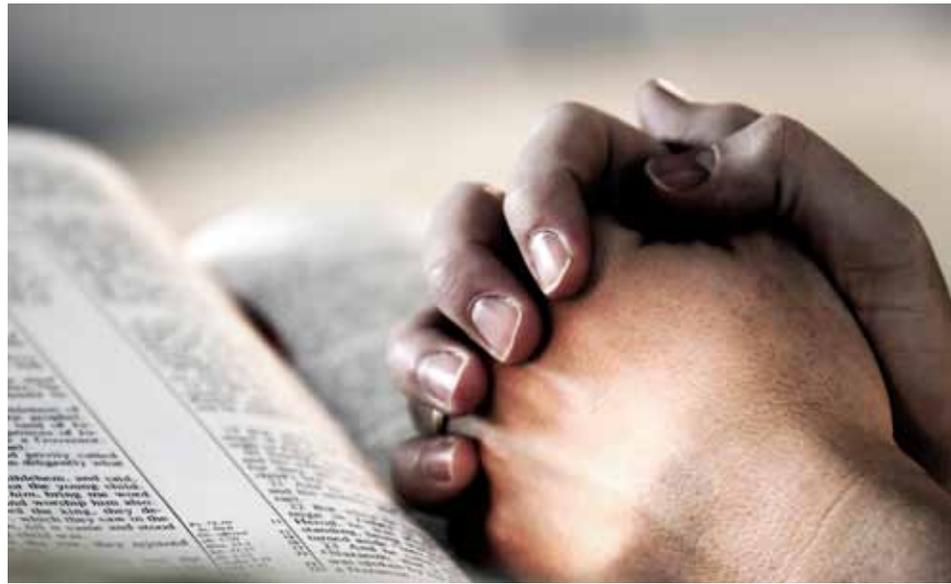
tial youth program in America has turned a tragic corner,” said John Stemberger, president of OnMyHonor.net, a coalition of BSA members, parents, Eagle Scouts, and other Scouting leaders. “The vote today to allow open and avowed homosexuality into Scouting will completely transform it into an unprincipled and risky proposition for parents. It is truly a sad day for Scouting.” Stemberger, along with other pro-family leaders, hosted a meeting in June in Louisville, Kentucky, to “discuss the creation of a new character development organization for boys.”

## High Court to Review Public Prayers

The American tradition of prayer before government meetings will once again be considered by the United States Supreme Court, which has agreed to review a case involving the constitutionality of a New York town’s public invocation policy. The high court agreed on May 20 to review a federal appeals court decision in *Town of Greece v. Galloway*, which involves a legal challenge to the town’s public prayer policy brought by Americans United for Separation of Church and State (the same group that has targeted various North Carolina localities for their prayer policies). The last time the Supreme Court considered public prayer was 1983 in *Marsh v. Chambers*, when it upheld the constitutionality of the long-standing practice. How the Court rules in the New York case could help clarify conflicting lower court rulings in cases involving similar challenges to public prayer policies, including previous and current challenges in North Carolina.

The present case before the high court began in 2008, when Americans United (AU) filed a lawsuit against the Town of Greece over its public invocation practices, which allow clergy members from the community to open government meetings in prayer. AU argued in the lawsuit that the policy violated the Establishment Clause. A district court upheld the prayer policy as constitutional, citing the Supreme Court’s ruling in *Marsh*. AU appealed the district court ruling to the U.S. Court of Appeals for the Second Circuit, which reversed the decision, finding that “the [T]own’s prayer practice had the effect, even if not the purpose, of establishing religion.”

The Town of Greece is being represented in the case by D.C.-based attorney Thomas Hungar, along with attorneys from the Alliance Defending Freedom (ADF). In a petition for review, they ask the Supreme Court to consider “[w]hether the court of appeals erred in holding that a legislative prayer practice violates the Establishment Clause notwithstanding the absence of discrimination in the selection of prayer-givers or forbidden exploitation of the prayer opportunity.” The petition argues that the Second Circuit’s decision in *Town of Greece* “conflicts with this Court’s decision in *Marsh*...” It goes on to cite several conflicting lower court



decisions (in the Eleventh, Second, and Fourth Circuits) where the appeals courts have used different legal tests to either uphold or strike down the prayer policies of various localities. One such case is the 2011 ruling by the Fourth Circuit Court of Appeals in *Joyner v. Forsyth County*, which involved a challenge to the public invocation policy of Forsyth County, North Carolina. The Fourth Circuit upheld a lower court ruling that struck down the application of the prayer policy as unconstitutional. In 2012, the Supreme Court declined to hear an appeal of the Fourth Circuit’s decision. The petition goes on to argue that because “the courts of appeals are divided ... This Court’s intervention is necessary to resolve this conflict and to clarify the proper legal standard for evaluating legislative prayer.”

In an open letter on the legality of public invocation policies, ADF explains that “Elected officials in cities, counties, and states across the country have received correspondence from activists groups such as the American Civil Liberties Union, Americans United for the Separation of Church and State, and The Freedom from Religion Foundation making the extraordinary demand that public invocations be censored or altogether prohibited.” The letter presents an in-depth legal analysis of the constitutionality of public prayer, emphasizing that, “the Constitution clearly protects public invocations, even those that include a prayer.”

This year, a number of counties in North Carolina are facing challenges to their public prayer policies, including Rowan County, where the Board of Commissioners recently voted to fight a lawsuit filed by the American Civil Liberties Union of North Carolina (ACLU-NC), which demands that it “stop its unconstitutional practice of opening government meetings with prayers that are specific to one religion.” Additionally, government leaders in both Union and Stokes Counties are facing threats by groups over their long-standing practices involving public prayer. ❖

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## On Air With Mary Eberstadt



Mary Eberstadt is Senior Fellow at the Ethics and Public Policy Center in Washington, DC, where she explores issues related to American society, culture, religion, and philosophy. She is also a research fellow at The Hoover Institution, and formerly served as executive editor of *National Interest* magazine. One of America's leading cultural critics, Mary is a frequent media guest, and has written widely for numerous publications, including *The Wall Street Journal*, *National Review*, *First Things*, *The Washington Post*, and *American*

*Spectator*. She is the author of a number of influential books, including: *Adam and Eve after the Pill: Paradoxes of the Sexual Revolution* (2012); *The Loser Letters: A Comic Tale of Life, Death, and Atheism* (2010); and *Home-Along America: The Hidden Toll of Day Care, Behavioral Drugs, and other Parent Substitutes* (2005). Her latest book is, *How the West Really Lost God: A New Theory of Secularization*.

The following is an edited transcript of an interview with Mary Eberstadt, which was conducted by John Rustin, president of the North Carolina Family Policy Council. An edited version of this interview aired in May 2013 on the Council's weekly radio program, "Family Policy Matters." Mary discussed issues from her new book, *How the West Really Lost God*, and explained the intimate relationship between Christianity and the health of families. This interview can be heard at <http://www.ncfamily.org/radioshowarchives2013.html> or on iTunes® Podcast—Family Policy Matters.

**John Rustin:** Your book, *How the West Really Lost God*, seeks to offer a new understanding of why secularization has grown so dramatically, particularly in Western nations. Just so we understand our terms, what do you mean by secularization?

**Mary Eberstadt:** One way of putting it is that secularization means people not going to church anymore, [and] we've seen dramatic declines in church attendance across the Western world, including the US, which is still more religious than Europe, but showing declining attendance. To give a very dramatic example, the *Telegraph* in England just published an analysis of the 2011 Census there, saying that it looks as if a minority of people in Great Britain will be Christian within the next 10 years. They will have a Christian minority in the next 10 years! So, that is a very dramatic example of secularization.

**JR:** Well, that certainly is a concerning thought, and as your book chronicles, the United States seems to be moving in that direction. You argue in the book that the decline of the natural family is part of the reason we have seen an increase in secularization, and you point to some major trends to back up this claim. What are some of these trends?

**ME:** Let's talk first about what did not happen, because what didn't happen is what secular thinkers have been saying for over 125 years. Secular thinkers have put forth the idea that you can expect Christianity to decline because Christianity is a superstitious religion, and that as people become more educated and knowledgeable, they will realize that they can dispense with this idea of God. That is the prominent storyline across the West, explaining why we see these slides in attendance. But John, the problem is that that storyline does not hold up, for several reasons. One, we know that prosperity alone doesn't drive out God. There are places in the United States today, where the most prosperous third of the country is actually more likely to believe in God and to go to church than the bottom third. So that stereotype of the Christian as this poor, "clinging to their guns and their religion," as our president once said, this is a stereotype that really doesn't hold up. And this, in a way, is encouraging news because it means in a way that the storyline a lot of people have imbibed of inevitable Christian decline brought on by education and rationalism is not really what is happening out there. So, in the book, what I first do is dispense with that storyline, and say, "OK, let's look at what is really going on," because I think what is really going on is something much more interesting.

It is that the churches are only as strong as the families in them, and you never see religious decline without family decline. And what I am trying to get at is a new idea, which is that family decline for all reasons encourages secularization, and we can talk about those reasons in a minute but just to give a couple of big picture examples. Scandinavia today is the most secular place in the Western world—in Scandinavia only something like 10 percent of people believe in the concept of hell anymore, and very few people go to church, lots of people don't get married. Scandinavia is also ground zero of these experiments in the modern fractured Western family, and pioneered the out of wedlock birth rate, pioneered the fatherless households, and pioneered the idea of the welfare state as a substitute for the family, which is one of the things I get into in the book, that sort of tussle that you see between the welfare state and the churches. So, my point is in Scandinavia there has been religious decline for sure. Secular scholars would say, "Well, that is more proof that Christianity is going the way of the dinosaur." But I don't think that is what is going on. That's a clear-cut case where family decline is helping to drive religious decline, and vice versa. So once again we have to look at the centrality of the family in these trends, and that is what has not been done before.

**JR:** Well, very interesting, so it is not so much “Enlightenment” or the “Enlightenment culture” that has brought on this change, but really the breakdown of the family...

**ME:** Yes, and lots of different ways, John, let me take one example that is pretty obvious when you reflect on it. The Judeo-Christian tradition has presented the idea of God as a benevolent, loving father figure, and this is how the idea of God has been handed down in that tradition, for a very long time. In the modern, Western family, very often, we have a situation where there is no benevolent loving father in the home. If you are the child of such a family, and you don't know what it is like to have your father be like that or to have a male figure be like that, if your experience of a father figure is a series of your mom's boyfriends, then you have to make a little more of a conceptual leap to understand that basic idea of God as a loving parent. So, that is just one way in which the fracturing of the family makes the Christian story harder to tell, or harder to grasp. Because Christianity could always take for granted before that people could understand this familial language that runs throughout Christian teaching, but what happens in a world where you don't have families like that, how can you understand the holy family, how can you understand what is so miraculous about the story of Jesus if you've never held a baby, and you don't know what is miraculous about that, and you live in a world with plummeting birth rates and most of your friends don't understand what is so incredible about that story too? So these are all ways in which I think the fractured... Western family contributes to the emptying of the pews in Western churches.

**JR:** Mary, in your book, *How the West Really Lost God*, you argue that collapse of the family has actually undermined Christianity in the West. And I know you have spoken about that prior to this question. But how has the collapse of the family actually served to undermine Christianity?

**ME:** Well, the bottom line is that after the Sexual Revolution, all the churches have faced problems they never had before... After the Sexual Revolution, when it looks as if you can have sex without consequences for the first time, lots of people became part of these trends, living together without marriage, for example, out of wedlock birth, and all the rest of the things we've been talking about. Now, all of that behavior on that kind of scale, sets up a whole new problem for the churches because the churches that are still traditional minded are now seeing a great deal of resistance from society. And I am sure everybody out there has seen this, there is increasing hostility toward Christians in the public square. Over in Europe, countries that once discriminated in favor of Christians now discriminate against them. And you see this increas-

“**[C]hurches are only as strong as the families in them, and you never see religious decline without family decline.**”

ing stigmatization, where it once was considered perfectly ordinary Christian belief half a century ago, is now stigmatized as extremist and marginalized and taunted. So these are all after effects, I think, of the relationship between the family and the church, once again, because the splintering of the family—the fact that many people are living in defiance of the Christian moral code, whether they see it that way or not, means that those people don't like to be told they are falling short of any standards, don't like to be told that there are other people who think they are wrong. So we have in this whole phenomenon, a great deal of new resistance, churches have not had to deal with before on this kind of scale. And that's something they have all got to figure out what to do with.

**JR:** Well, we at the NCFPC, work directly with state lawmakers as they adopt policies related to a lot of these issues, and we certainly see the importance, but this sheds a new perspective on that. [It] really reinforces the importance and the need for folks to look at policies and to be engaged in what is going on—not only on these specific issues but understanding the bigger picture of the impact that the embracing of abortion, divorce, single parenthood, those types of things within our culture, have an impact on a much bigger picture of the willingness of the culture to embrace a religious based moral code.

**ME:** Yes, and you know these things can be difficult to talk about John, but nobody wants to point a finger or shake a finger in anyone's face. There are many single parent households that can't help but be what they are, but to celebrate that on the other hand is to unwittingly endorse practices that are not only bad for children down the road sometimes, but also very expensive. The... modern welfare state in many ways effectively bankrolls the fractured family. It serves as a father substitute, a parent substitute, and it doesn't look as if this system can be sustained. If you look over at Western Europe, you see this very acutely. The population base is declining. There are simply not going to be enough taxpayers to go around to sustain this cradle to grave family substitute known as the welfare state. So, all of these questions are indeed

questions of policy at the highest level. It's not the case you can just say, "well let's live and let live and let people just do what they do." Having people do what they do in this way is having an impact, not only in their own backyards, but on the global economy, and on other taxpayers who pick up the pieces for the sad fallout of these changes. So, although I am an optimist, and I think the trends point towards optimism overall, I do think it's important to see that these are policy matters.

**JR:** And on that point, you address in your book that the fate of Christianity matters even to non-believers, Christianity on balance is a force for good in modern society. It seems that what you're saying is because of the real societal and cultural impact that faith has and that the family has, even non-believers should be concerned about what happens to Christianity. Is that the case?

**ME:** Yes, it is because we know that Christians give back in the public square, and I'm not knocking other religions, this is also true of other religious people, but Christians are the ones studied in this book. They give more to charity; they volunteer more of their time; they even donate more blood. There are many examples like that in the book, where I've drawn from secular social science to make the point that Christians do a lot of things, or at least some Christians do a lot of things, that we would say are good for the public square, and for the people around them, no matter what the people around them believe. Conversely, in a very secular place like France, you see very little charitable giving, so if we kick Christianity off the face of the map, the first thing we can expect is a serious diminishing of these kinds of public spirited enterprises, including charities, like soup kitchens and unwed mothers' homes and all the rest of the kind of stuff that people with that religious creed often try to endorse.

**JR:** The good thing is Mary, that you don't end your book on a negative note, but you actually envision the possibility of a revival in both the natural family and in Christianity. How do you see this taking place, and what solutions do you recommend for strengthening both the American family and the church in America?

**ME:** Well, the reason I'm an optimist, is first of all it's wonderful that the conventional storyline has been definitively disproven now—the idea that Christian decline is inevitable is contradicted by the facts. Now, that we have that out of the way, let's look at what makes it come and go in the world. You know, it's always a mistake to say that social movements are inevitable, including something like the demise of Christianity, so that's point one for optimism. Point two, getting back to the welfare state, if the main substitute for the family and the churches turns out to be unsustainable, then I think you will see happen what always happens in times of adversity, people will go back to their more organic connections of family and church, just as they did after 9/11, when millions of people darkened church doorsteps who had not done that in a very long time. That's because adversity has a way of sending people home, and I don't think it would take a global catastrophe to do it... When people need to do it, they look to what's their most immediate surrounding, and their most immediate ties and those are family, and the religious communities that many people still do belong to. So, I think the grounds of a revival are there.... ❖

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