



25

Pro-Family
Policy Goals for the Nation



FAMILY RESEARCH COUNCIL
WASHINGTON, DC



Introduction



FRC Headquarters / Washington, D.C.

Since its inception in 1983, Family Research Council has been shaping public policy, as it relates to our nation's families and our religious freedoms, in Washington D.C. and in state capitals across the country. We have successfully crafted and promoted policy initiatives such as a child tax credit which has put an estimated \$300 billion back into the hands of moms and dads who control the family budget. FRC developed and spearheaded the Defense of Marriage Act, which was signed into law in 1996 by President Bill Clinton. Forty-three states have followed with a state-level version of the Defense of Marriage Act. In short, FRC has stood firmly against the efforts of radical social engineers to undermine the natural family and the values most families hold dear.

As we celebrate 25 years of service to the country we are not just looking back on how FRC has successfully defended faith, family and freedom, we are looking forward as to how we can advance faith, family and freedom over the next 25 years and beyond.

In 2008, America will choose a new president and a new Congress, as well as governors and legislators across the country. "Values voters" need a yardstick by which to measure the promises and policy proposals of all the candidates who seek their votes this year. The document you hold in your hands can serve as a model for the platforms the Republican and Democratic parties will write this summer. It can also serve as a blueprint for how those we elect can promote and protect the family and its values in 2009 and in the years to come.

The 25 goals we put forth here are grouped into eight main subject areas, ranging from Human Life to Marriage and Family to Religious Liberty to Culture and Media. Each page features a brief analysis of the issue, followed by one or more specific policy proposals which can help America meet that individual goal. Some involve action by Congress, some by the president, and some by state legislators or executive officials. If you would like to learn even more about these issues, please visit our website at www.frc.org.

If you are a candidate for office or an elected official, please consider adopting these proposals as your own. If you are a values voter, challenge those running for office as to their position on these issues, and weigh their response as you consider your vote. If you are a pastor or leader of an organization, consider making copies of this booklet available to your members. If you are simply a citizen who cares about the family in America, write to your elected officials and urge them to pursue these goals with vigor.

We at Family Research Council look forward to our next 25 years of in-depth policy research and citizen activism in support of faith, family, and freedom. Please join us in advancing these pro-family policy priorities for the nation.

Tony Perkins

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Bioethics

1

Advance Ethical and Effective Stem Cell Research and Treatments

The Issue

Stem cells have exciting promise for treating diseases and injuries. However, embryonic stem cell research, as well as human cloning and human embryo research, relies on experimentation with and destruction of living human beings at the earliest stages of life. The claims made for embryonic stem cells are wildly oversold and exaggerated, and cruelly give patients and their loved ones false hope. Meanwhile, the real facts about their potential are ignored or distorted. In 27 years of embryonic stem cell research, not a single patient has been treated. The practical dangers of embryonic stem cells for potential treatments are significant, including possible tumors, difficulty forming and maintaining the desired specialized cells, and potential transplant rejection. Family Research Council opposes any research that destroys or harms an embryonic human being. Likewise FRC opposes all forms of human cloning, recognizing that all human cloning involves experimentation on, or destruction of, human embryos.

However, we support stem cell research that does not involve creating or destroying human life. The recent breakthrough in reprogramming ordinary cells from skin and other tissues to become embryonic-like cells known as induced pluripotent stem cells (iPS cells) provides an easy and efficient method for scientists to study stem cells, without relying on embryos, eggs, or cloning. We vigorously support research and therapies using “adult” stem cells (such as from bone marrow, umbilical cord blood, amniotic fluid, and other sources), which are not ethically problematic and have already resulted in many useful therapies for human patients. There are currently over 70 diseases and injuries in which adult stem cells have demonstrably benefited patient health. Embryonic stem cells, because of their danger, have produced zero results for human patients and dubious results in animals. Because adult stem cell research is both ethical and now successfully treating patients, with more treatments on the horizon, the emphasis and incentives should be on what works now and in the near term to help patients first and preserve human life.

Proposals

- Increase federal funding for adult stem cell research, including more clinical trials.
- Pass the Patients First Act, which prioritizes federal stem cell funding for research that has the greatest opportunity to help patients in the near term.
- Provide complete federal funding for the public cord blood initiative, passed in 2005.
- Promote establishment and expansion of state and regional public cord blood banks.
- Provide a tax credit for families who save as well as donate cord blood.
- End federal and state taxpayer funding of embryonic stem cell research, all human cloning, and all human embryo research.
- Prohibit creation of human embryos other than by the joining of a natural human egg with a natural human sperm.

Prevent the Exploitation of Women by Regulating the Use of Human Eggs for Research

The Issue

Biotechnology research can directly affect women's health. Research related to human cloning, human embryonic stem cells, and human embryo development has already adversely affected women's health and safety, due to the need for human eggs to accomplish this research. The use of women's eggs for research has led to coercion, deception, violations of informed consent, health problems, and even the death of some women, especially in risky, highly speculative, and even fraudulent research. The exaggerated and distorted claims for embryo and cloning research give false promise to patients, increase demand for women's eggs for highly speculative experiments, mislead women who donate eggs, and exploit women as mere sources of raw material for science.

Biotechnology should not be degrading or destructive to women's health. Without adequate control over egg donation and complete information regarding its risks, undue burdens are especially placed on young, poor women. Currently harvesters advertise on college campuses, recruiting young women to provide their eggs. Such egg donors put their health and future fertility at risk, often without giving adequately informed consent; indeed, several young women have already suffered.¹ Just as all human trafficking should be prohibited, so also should all trafficking in women's tissues be prohibited. Current laws place limits on payments and procurement of human organs for transplant. At the very least, similar regulation is needed for women's eggs. Further, true informed consent in egg donation requires that women be completely advised regarding the potential problems associated with these egg donations, including long-term impacts on their health and future fertility. However, at this point documentation of the long-term outcomes of egg donation remains woefully inadequate; there is little to no tracking or follow-up of women who donate eggs to investigate any subsequent health problems that they experience. Women and their bodies should not be exploited as the servants of science.

Proposals

- Prohibit all trafficking in women's eggs, including payments for egg harvesting.
- Create a mandatory federal registry that provides long-term tracking of the health of women who donate eggs, as well as disposition of all eggs harvested.
- Require complete informed consent for all egg harvesting.

¹ See e.g., Judy Norsigian, "Egg Donation for IVF and Stem Cell Research: Time to Weigh the Risks to Women's Health," *Different Takes* No. 33, Spring 2005, accessed at <http://popdev.hampshire.edu/projects/dt/33#en6>; D Magnus and MK Cho, "Issues in Oocyte Donation for Stem Cell Research," *Science* Vol. 308, 1747-1748, 17 June 2005; Dr. Diane Beeson, Testimony before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, 7 March 2006, accessed at <http://handsoffourovaries.com/images/beesontestimony.pdf>

Courts and the Law

Restore Constitutional Balance by Ending Judicial Activism

The Issue

“Judicial activism” occurs when judges impose their own policy preferences in deciding cases. This is unfair to all parties concerned because the role of the judge is to apply the law as enacted, not to create law. It is the legislatures, state and federal, that enact laws. Citizens, in turn, elect the members of the legislatures. Therefore, when judges engage in judicial activism, they usurp the role of the legislators, whose job it is to decide disputed, difficult policy issues. Those legislators, in turn, are directly accountable to those who elected them. Thus, judicial activism undermines our representative democracy.

What helps make this possible is the fact that legislators across the country, in Congress and the states, have abdicated their duties as members of a coequal branch of government to resist rogue judges and their activist rulings.

The chief modern example of judicial activism is *Roe v. Wade*, where seven members of the Supreme Court invented a right to abortion that was nowhere found in the Constitution. Justice Byron White, who dissented in the case, said that the majority of the Court had engaged “not in constitutional interpretation, but in the unrestrained imposition of its own, extra constitutional value preferences.” Note that such a decision ignores the will of the people as expressed in the words of the Constitution; indeed, it expresses contempt for the people. There are other examples of judicial activism, the most notorious being *Dred Scott v. Sandford*, which was a catalyst of the Civil War.

All too often the courts engage in judicial activism, upending the will of the people on important social and economic issues. FRC believes judges have an obligation to interpret the law as it is written and not to impose their own policy preferences.

In the United States today, judicial confirmation hearings are often hotly contested affairs. The reason is that liberal activists seek to impose their own policy views through the unelected judiciary, rather than through the elected legislatures. Thus, they seek to confirm only liberal judicial activists. This leads them to oppose judges with the proper judicial philosophy, i.e., one of judicial restraint.

Proposals

- The president should nominate, and Congress should confirm, only federal judges who are committed to the text and clear meaning of the Constitution and laws.
- Only those who have a record of supporting judicial restraint should be appointed or elected to judgeships at the state level.
- Congress should exercise its power under Article III, Section 2 of the Constitution to limit the jurisdiction of the federal courts.
- When judges violate their oath by engaging in egregious judicial activism, Congress, state legislators, and the people should exercise their power to impeach and remove them from office.

Reform the Nation's Prison System

The Issue

Over two million Americans—one of every 100 adults—are behind bars today, far more than in any other country. Offenders are often sentenced for years to overcrowded prisons where they are exposed to the horrors of violence (including rape), isolation from family and friends, and despair. Instead of working on the outside to repay their victims and support their families, many non-dangerous offenders sit idle in prison—warehoused with little preparation to make better choices when they return to the free world. While violent offenders certainly need to be removed from society, more than half of all prisoners are incarcerated for non-violent crimes. Low-risk offenders sentenced to prison often return worse than they went in, and become repeat offenders.

Sentences should be tailored to fit the actual facts of the crime. Mandatory sentences impose arbitrary punishment that often far outweighs the harm done by the crime. Sending low-risk offenders to prison makes it impossible for them to support their families, both financially and emotionally.

Research shows that when returning inmates have a supportive family they are more likely to find a job, less likely to use drugs, and less likely to engage in criminal activities. Studies also show that children of inmates who are able to visit with their parents have increased cognitive skills, improved academic self-esteem, and greater self control, and that they switch schools much less often. The improvement of the children has an amazing impact on the incarcerated parent, too, with significantly reduced recidivism of the parent after release. Current prison policies that make it difficult to keep a family together during incarceration must be reformed.

Faith-based programs within prisons have dramatically improved the prospects of prisoners when they return to society. Graduates of one such program, run by Prison Fellowship International, had a recidivism rate of only eight percent, far below the national average of 50 percent.

Family Research Council supports reforming prison policies so that families are strengthened during and after incarceration—which will make our communities safer.

Proposals

- Alternative punishments should allow some non-violent offenders to remain at home while they work to repay their victims and support their families. Inmates should not be routinely imprisoned hundreds of miles from their homes, which makes family visitation far more difficult.
- Prisons should have visiting hours on evenings and weekends to facilitate visits by working spouses.
- Contact between incarcerated parents and their children should be encouraged.
- Prisoners should be able to exercise their religious freedom by participating in faith-based training programs.
- Addicts should be assigned to drug courts that specialize in dealing with addicted defendants and have the specialized expertise to hold offenders accountable and require that they participate in effective treatment for their addictions.

Culture and Media

Promote Academic Freedom in Science Education

The Issue

Critical analysis of scientific theories is essential to the progress of science. No scientific theory is immune from critique, and every scientific theory must be constantly compared with newly discovered evidence and with competing theories offering alternative explanations for the evidence observed in nature. The history of science is full of examples of widely accepted theories which later collapsed and were replaced by new theories under the weight of the evidence.

To exclude any scientific theory from such critical analysis is an assault upon science, not a defense of it. Students of science, whether in public schools or at the college level, are receiving a deficient science education if they are not taught about the importance of such critical analysis, and if they are forbidden to examine evidence in support of theories which conflict with the dominant paradigm.

Unfortunately, much of science education in America today is marred by practices which violate the principles of critical analysis and academic freedom described above. This is particularly true in the case of the controversial issues of evolution and global warming. Currently, the field of biology is dominated by those who believe in Darwinism—the theory that all life on Earth has evolved through descent from a common ancestor by natural selection acting on random mutations. The field of climate science is dominated by those who believe the Earth is currently experiencing human-induced global warming which will be catastrophic in its impact unless stopped.

Those who dissent from these scientific orthodoxies are too often persecuted—ironically, just as fiercely as scientists of the past were persecuted for violating religious orthodoxy. In the case of evolution, defenders of the Darwinist status quo seek to discount the scientific contributions of any critics of Darwinism who profess to believe in God, and attribute religious motivations to even the most scientific of critiques. This motivation, in turn, is treated as disqualifying such critiques from the public education system because of the “separation of church and state” (even though the openly professed atheism of some prominent Darwinists is not seen as equally disqualifying).

In the case of “climate change,” it is not hostility to religion as much as defense of the political environmental movement which motivates attacks on those who dissent from the orthodoxy of catastrophic, human-induced global warming.

Proposals

States should adopt “academic freedom” laws which would:

- Ensure that students are taught to critically analyze existing scientific theories.
- Protect faculty members from being fired, denied tenure, or otherwise professionally punished or disadvantaged for sharing with students evidence critical of existing scientific theories.
- Protect students who master the material that is taught from being punished or disadvantaged, in terms of grades or otherwise, for holding or expressing views in contradiction to the dominant existing scientific theory.

Protect Children and the Public from Pornography and Media Indecency

The Issue

Today's media and entertainment technologies present a serious challenge to American families. Magazines, music, motion pictures, advertisements, and even video games are distribution channels for material that is morally damaging and in many cases sexually graphic. Television and the Internet present perhaps the most serious concern.

The Federal Communications Commission ("FCC") received 1.4 million citizen complaints of indecency in 2004, the year Janet Jackson had a "wardrobe malfunction" at the Super Bowl, and in 2005 more than 500 radio and television shows drew complaints. These are "public" airwaves that belong to the American people, and the people have the right to demand that their airwaves be suitable for all audiences. For that reason, Congress has granted the FCC appropriate powers to create and enforce regulations to control obscene, indecent, or profane programming.

Pornography is spreading like a plague as the Internet moves it from the margins of our culture to the mainstream. Worst of all, it is stealing the innocence of our children. A recent study published in the journal *Pediatrics* showed that 42 percent of children ages 10 to 17 had been exposed to online pornography in the past year; 66 percent of the exposure was "unwanted." Hard-core pornography, or "obscenity," is illegal, as is any pornography depicting children; this is true whether the material resides on the Internet or elsewhere. We applaud the Department of Justice for redoubling its efforts against child predators and child pornography online, but more must be done to combat hard-core "obscene" pornography, which also threatens the health and lives of children and their families. Sadly, the federal courts have blocked all efforts by Congress to criminalize the distribution of less-extreme pornography to children online. As a result, porn producers like *Playboy* and *Penthouse* exploit our children on the Internet with impunity.

Proposals

- Vigorously enforce the laws against broadcasting indecent and profane material and increase the fines and penalties for violations.
- Vigorously enforce all existing laws against obscenity and child pornography.
- Increase Department of Justice money and manpower specifically for adult obscenity prosecutions.
- Close the legal loophole which allows the peddling of less-extreme pornography to children online.

7 Provide Freedom of Choice to Cable and Satellite TV Customers

The Issue

While there are many examples of worthwhile American television programming, many programs offend large segments of the population due to their sexual or violent content. Many people do not want to see such programming, nor do they want their children to see it. The vast majority of Americans obtain TV programming from cable or satellite TV companies. While broadcast channels are subject to the Federal Communications Commission's loosely enforced indecency regulations, a great deal of undesirable programming is still broadcast and also carried via cable. Non-broadcast cable programming is not subject to the FCC regulations, and its character has declined even more precipitously in recent years. Simultaneously, the cost of cable TV has increased faster than the rate of inflation as more channels are added to basic packages.

Going forward, telecommunications technologies that carry various types of media content will proliferate. FRC believes that no telecommunications service provider should be allowed to require a customer to receive any particular media content as a precondition for receipt of a telecommunications service, and no customer should be required to pay for media content that he or she does not wish to purchase.

Some argue that such "cable choice" constitutes unjustified government regulation. Such arguments overlook the fact that cable companies do not operate in a competitive environment. Typically, cable franchises were established by local governments years ago – not by market forces. Entry into the market is difficult if permitted at all.

Unlike water and electricity – products sold by public utilities with similar special access to residences – cable television sells a product that can yield profound ethical and moral consequences. What we watch affects our thinking, beliefs, and actions. Consequently, many people now avoid large numbers of cable channels while still paying for them. When you are at an airport magazine stand and purchase a newspaper you aren't forced to buy *Playboy*, yet cable TV channels are foisted upon Americans in that manner. This marketing arrangement must end.

Proposal

- Congress should enact legislation authorizing the FCC to guarantee "cable choice" or "*a la carte* programming" options for cable subscribers. Under such arrangements, cable customers would not be required to receive, nor to pay for, channels they do not want.

Family Empowerment

Make Family-Friendly Tax Cuts Permanent

The Issue

When President Bush introduced his first round of tax relief in 2001, he had planned for the cuts to be permanent. However, a divided Congress insisted the tax cuts be staggered and temporary, with the result being a large scheduled tax hike in 2011.

If the cuts are not made permanent, come 2011, American families will face one of the largest tax increases in history; average taxes would rise \$1,800 per taxpayer, and 48 million married couples will face an average hike of \$3,007, with many paying more than if they merely cohabited. A family of four earning \$40,000 would see an increase of over \$2,300 in taxes. If the President's tax relief is allowed to expire at the end of 2010, Americans will pay about \$280 billion more in taxes each year.²

Although partially addressed in previous legislation, the “marriage penalty,” whereby some couples pay higher taxes than if they were unmarried, is still a problem for some taxpayers. The “Alternative Minimum Tax” (AMT), originally targeted at a handful of millionaires, now strikes a growing number of middle-class families.

Tax breaks specifically targeted at families with children serve the country's best interest in more ways than one. More dollars in parents' pocketbooks means greater investment in and better material care for the next generation from those who are most attuned to children's needs: their parents. Such provisions also encourage childbirth itself—something crucial in the long run to the solvency of Social Security, which is ultimately an inter-generational transfer from the working generation to retirees.

Finally, the tax code is too complex. Every year over 1,000 targeted tax cuts, for both itemizers and non-itemizers, are introduced, and many of them pass. Beneficiaries range from buyers of fishing poles and Christmas trees to whaling captains. We need a tax code that will allow Americans to do their own tax returns without the help of professionals.

Proposals

- The tax relief provisions passed in 2001, 2003 and 2004 must be made permanent. Top among these provisions are the child tax credit, death tax repeal and marriage tax penalty relief.
- Congress should increase the child tax credit to at least \$2,500 per child. Congress should also lower the minimum earned income eligibility for any portion of the tax credit to \$10,000 and make that minimum permanent. Congress should annually increase the amount of the child tax credit and the maximum thresholds for receiving the full child tax credit by the annual percentage increase in the consumer price index (CPI), while not allowing the tax credit to drop below \$2,500 and the maximum thresholds to drop below current levels should the CPI decrease.
- The Alternative Minimum Tax (AMT) should be rolled back, indexed, or repealed altogether.

² <http://www.whitehouse.gov/infocus/taxes/>

9

Eliminate Marriage Penalties in Federal Law

The Issue

In the last century, welfare and tax codes and social benefit programs were put in place with no consideration for their impact on marriage and married couples with children.

Over the last decade, much attention has been paid to the “marriage tax penalty” paid by some middle- and upper-income couples, who find that their total federal tax burden when married is higher than when they were single. Tax changes in recent years have reduced the size of this “penalty” and the number of couples who pay it, but there is still no assurance that couples who marry will not be disadvantaged.

On the benefits side, there is a marriage penalty with respect to Social Security. Senior citizens who were previously married and widowed and receive “survivor’s” benefits from Social Security find those benefits cut off if they choose to remarry. This has led many of them to choose to cohabit with a new partner rather than marry. But to extend some of the “benefits” of marriage, some states and localities in the country have created “domestic partnership” programs that are open both to same-sex couples *and* to opposite-sex seniors over 62. This fact has undermined efforts to reserve marriage and its benefits to unions of one man and one woman.

However, marriage penalties strike the poor on both the benefit and tax sides. Because of the principle of “progressivity” embedded in both welfare and tax policies, the poor suffer a drastic reduction of their subsidies while their taxes increase at a rate faster than their income. As a result of this and cultural factors, cohabitation, not marriage, has become the norm among the poor, leading frequently to serial cohabitation.³ Programs feeding the marriage penalty most include EITC, TANF, food stamps, housing assistance, Medicaid, SCHIP and child care. According to C. Eugene Steuerle, the country’s leading expert on the marriage penalty, “Most households with children who earn low or moderate incomes (under \$40,000) are significantly penalized.”⁴

Proposals

- Permit married couples to pay taxes based on “income splitting,” whereby half of the couple’s joint income is attributed to each spouse, thus ensuring that they will not pay higher taxes than two single people with the same combined income.
- Eliminate the marriage penalty for Social Security recipients.
- Set an upper marginal tax rate (the effective rate of tax paid on each *additional* dollar of income) for the poor (presently as high as 89%) that does not exceed the marginal tax rate for upper-income people (33%).

3 Andrew Cherlin and Paula Fomby, “A Closer Look at Changes in Children’s Living Arrangements in Low-Income Families: Welfare, Children, and Families: A Three-City Study,” Working Paper 02-0 1, Johns Hopkins University, February 2002.

4 See C. Eugene Steuerle Testimony Before the Subcommittee on the District of Columbia Committee on Appropriations U.S. Senate, May 3, 2006.

10

Reform Health Care through Consumer Choice

The Issue

The cost and availability of health care and health insurance are perennial issues in the policy debate because health care has become such a significant part of the family budget. Although much of the debate centers on access to health care for the uninsured, issues of choice, conscience protection, and cost control must also be considered in any health care reform.

Today 80 percent of that health care is purchased by employers. Our country's heavy reliance on Employer-Sponsored Health Insurance (ESHI) distorts the market for health care and health insurance. It limits access to health insurance for those who are unemployed, self-employed, or employed by small businesses that cannot afford health coverage. It drives up costs by insulating the employee from market decisions based on direct knowledge of the cost of insurance or the cost of actual health care services. It is not "portable," meaning the employee cannot retain the same health plan when changing jobs, and this distorts people's employment decisions. Finally, because ESHI usually does not allow employees to choose among health care plans with different coverage options, it may in some cases force them to subsidize abortion and other morally objectionable procedures, as well as high-risk lifestyles, with their premium dollars.

The country is unlikely to move away from its reliance on ESHI, however, as long as ESHI continues to receive more favorable tax treatment than insurance purchased by individuals or private membership organizations. Currently, both employer and employee contributions to employment-based health plans are tax-free, whereas no tax deduction or credit is available for the private purchase of insurance for any but the self-employed.

Another major distortion in the market for health insurance is the fact that interstate marketing of health insurance is forbidden. This is a major barrier to consumer choice and competition, because in most states one or (more commonly) two big insurance companies control 80 to 90 percent of the market. Permitting marketing of insurance across state lines would result in bigger customer pools, thus permitting the marketing of many options in insurance which, in turn, will drive down costs.

Proposals

- Federal law should be changed to give individuals and heads of families a tax deduction for the purchase of health insurance that is equal in value to the tax break currently given only to the employer.
- Low-income families should receive a dollar-for-dollar refundable tax credit that would suffice to cover most of the cost of private health insurance.
- Religious, civic, and fraternal organizations should be permitted to market insurance plans, allowing their members to benefit both from the risk pooling of group coverage and underwriting based on the lower levels of high-risk personal behavior in such groups.
- Congress should exercise its interstate commerce powers to permit interstate marketing of insurance.

11

Protect Parental Rights in Education

The Issue

Parents are a child's first teachers and make a tremendous investment in all aspects of their children's lives. However, many parents are increasingly frustrated at a lack of control over their children's education. They do not wish to send their children to failing public schools beset by low test scores, and where they may be exposed to rising school violence. If parents choose to enroll their children in a private or religious school, they are saddled with the additional financial burden of paying tuition in addition to taxes to support the public school system. Experience has shown that education tax credits (refundable so that low-income parents with no tax liability can also benefit) succeed in providing assistance to families that would otherwise be unable to send their children to the school of their choice.

In addition, many parents are concerned that their children may be taught values in public schools that are contrary to the moral values and religious teachings taught in the home. So-called "comprehensive" sex education programs, for example, include teaching about the use of condoms and other subjects that many parents find morally objectionable. Some schools do not notify parents before controversial sexual topics are discussed to provide them with an opportunity to opt their children out of discussions they deem to be inappropriate or unhealthy.

Some school health clinics also offer services that parents find objectionable, such as distributing condoms and other forms of contraception, and reportedly even providing information and referring students for abortions without the parent's knowledge.

In a related issue, Virginia has become the first state to mandate the HPV vaccine for sixth-grade girls. Vaccinations should only be required for diseases that are usually communicable in a school setting. However, HPV is sexually transmitted, and is not contracted through normal school activities.

Proposals

- Congress should pass the Children's Hope Act, which encourages states to enact their own state scholarship tax credit by adding a federal credit in such cases.
- Schools should teach abstinence until marriage and fidelity within marriage as the expected standard of sexual behavior and the surest way of preventing sexually transmitted disease and out-of-wedlock pregnancies. However, states or school districts that insist on offering so-called "comprehensive" (i.e., contraceptive and condom-based) sex education should, at a minimum, allow parents to opt their children out of such classes and give such children an abstinence-only alternative.
- School health clinics should not dispense contraceptive drugs or condoms, refer students for abortions, or give advice regarding sexual matters without service-specific parental notification and consent.
- Schools should not require HPV vaccination as a condition for school attendance.

Human Life

12

End Forced Taxpayer Subsidization of Abortion and Abortion Providers

The Issue

Family Research Council believes that unborn human life should be legally protected at all stages of development. The *Roe v. Wade* Supreme Court decision declaring a constitutional right to abortion was wrongly decided, and if justice is to be secured the Supreme Court can and must promptly reverse the error it committed through this exercise of raw judicial power. We will continue to work for an end to abortion, but there are also incremental steps we can take to begin rolling back the “culture of death” and replacing it with a culture of life.

American taxpayers who have conscientious objections to abortion currently have no choice but to subsidize abortion providers such as Planned Parenthood with their federal and (in most cases) state tax dollars. Planned Parenthood alone is receiving more than \$300 million in FY 2008 from the federal government. Almost a third of this allocation comes from Title X family planning grants. The federal government established Title X funding in 1970 to support family planning projects, but with this critical stipulation: “None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”

President Reagan clarified this provision with regulations which clearly stated that Title X recipients could not refer for abortion or combine family planning services with abortion services. President George H.W. Bush defended these regulations, which were upheld by the U.S. Supreme Court in *Rust v. Sullivan* (500 U.S. 173) in 1991. When President Clinton took office, he rescinded these regulations and implemented new regulations, unsupported by statutory law, that require recipients of Title X funding to provide abortion referrals. Moreover, these regulations allow for the colocation of abortion facilities with their affiliated Title X family planning clinics—in some cases utilizing the same waiting rooms, staff, and equipment.

Congress, however, has sought to prevent government funding of abortion and other practices destructive of innocent human life through a large number of pro-life provisions that are annually renewed as amendment riders on federal appropriations bills. Taxpayers should not be forced to expend their financial resources on the purposeful destruction and abuse of innocent human life, at any stage of development.

Proposals

- The president should rescind the Clinton regulations and re-institute the Reagan regulations of Title X funding. This will have the effect of withholding about a third of the federal dollars currently allocated to abortion providers.
- Congress should prohibit distribution of federal funds to institutions or organizations that provide abortions, in light of American taxpayers’ conscientious objections to abortion.
- State and local governments should likewise cut off all funding for abortion providers.
- The “pro-life riders” that have been added to annual appropriations bills should be made permanent. These include restrictions on federal funds for any and all services and items pertaining to abortion, whether the funds are for domestic or international organizations; restrictions on federal funds for human embryo research and destruction, including cloning; restrictions on patenting of human organisms; and restrictions on destruction of human life through euthanasia or assisted suicide.

13

Require Abortion Facilities to Meet Basic Medical Standards

The Issue

Abortion remains one of the least regulated medical procedures in the United States, often resulting in unsanitary and unsafe conditions. Substandard medical practice and disregard for basic health and safety standards have caused untold numbers of American women to suffer injuries, infertility, and even death. Abortion advocates callously equate “women’s health” with access to abortion, but often demonstrate little concern for the safety of the procedures and drug regimens, the competence of the doctors and the facilities performing the invasive surgeries and prescribing medical abortions, or the overall reproductive health of their clients, many of whom are adolescents. Evidence of substandard conditions in many abortion clinics demonstrates the need for individual states to pass comprehensive abortion clinic regulations.

All medical procedures in the United States are constrained by governing medical ethics, including the bedrock principle of informed consent. Abortion facilities continue to deny women full disclosure of the psychological and physical effects of surgical and medically induced abortion. Evidence is mounting, from scientific research studies worldwide, that there is an association between induced abortion and preterm birth, as well as an increased risk of substance abuse and suicide. Psychiatric and psychological professional groups are being forced to re-evaluate the destructive nature of abortion to women’s health. The failure to provide information concerning the risks of abortion for women’s reproductive and overall health represents a major gap in the promotion of true health care.

Proposals

- States should adopt and enforce appropriate medical standards for abortion facilities like those required for other ambulatory surgical facilities. These should include standards concerning: sterile surgical practices and environment; proximity to emergency care facilities; surgical facility equipment; adequate equipment and trained personnel for neonatal resuscitation in clinics performing late-term abortions; and mandatory physician ultrasound to determine the timing of the pregnancy and aid in care.
- Require informed consent. State laws should be enacted and enforced to require that abortion facilities provide information to the woman and parents of minors, with 48 hours notice in advance of abortion procedures, concerning the following: prenatal/fetal development (including mandatory provision of live ultrasound to the client); the short- and long-term physical effects and complications of induced abortion (including risk to future healthy pregnancies); and the psychological effects of induced abortion for women and others involved (such as husbands or partners, other family, and medical staff).
- Require screening to ensure that a woman seeking an abortion is not doing so under coercion by any other individual.

Promote Positive and Healthy Human Sexuality

The Issue

FRC supports healthy marriage and family formation education for youth in conjunction with abstinence-until-marriage education. Risk avoidance or abstinence messaging serves as the best primary prevention approach for those who both have and have not been sexually active outside of marriage. Sexual abstinence improves adolescents' development and enhances their ability to achieve short-term and long-term life goals.

A sexually transmitted disease (STD) and infection (STI) epidemic currently afflicts adolescents, affecting death rates and reproductive health outcomes. Out-of-wedlock birthrates continue to rise to the point where more than one in three American children are born without a married mother and father. Abstinence education mutually reinforces the risk avoidance message given to youth regarding drugs, alcohol, tobacco, and violence. Programs based on a presumption of adolescent sexual activity have clearly failed to reduce associated risks or decrease STI rates and left youth laden with psychological, physical, and emotional fallout.

Every state makes it illegal to have sex with a young person below a certain minimum age, regardless of whether or not the young person "consents." Children and young adolescents do not have the physiological, biological, and emotional development to cope with sex and its consequences. Age of consent laws exist also to protect children and adolescents from sexual abuse and exploitation by an adult, including one in a position of authority. Those who prey on children fuel the abhorrent and destructive businesses of youth prostitution, sex trafficking, and child pornography. Most facilities providing confidential reproductive health services for minors are poorly monitored for violation of age of consent laws and statutory rape reporting.

The public health primary prevention message based on behavior modification (practicing sexual abstinence) must be jointly presented with the promotion of healthy marriage and family formation education in order to make sense to a generation of young people growing up in non-intact families. The growth of stronger families depends upon the values, practices, and prevention messages presented to the young.

Proposals

- An emphasis on primary prevention based upon behavior modification (or risk avoidance) for sexually transmitted diseases and infections should be incorporated into federally funded health programs.
- Within federally funded abstinence programs, abstinence-until-marriage messages must be tied together with healthy marriage education.
- States should pass laws requiring that existing family life education within state law contain a predominantly abstinence-centered message.
- Current state laws concerning statutory rape should be enforced.
- Family planning clinics, school health clinics, and reproductive health care providers should be required both to screen patients for sexual assault and adhere to state laws on statutory rape reporting.

Marriage and Family

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Protect Marriage as the Union of One Man and One Woman

The Issue

Marriage is not simply a civil institution, nor is it simply a religious institution. It is, instead, a natural institution, whose definition as the union of one man and one woman is rooted in the order of nature itself. There is only one reason why marriage is treated as a public institution—to *promote* and *regulate* the type of relationship that can result *naturally* in the reproduction of the human race. Marriage encourages the raising of children by the mother and father who conceived them. Social science confirms that children who are raised by their own married mother and father are happier, healthier, and more prosperous than those raised in any other family structure.

In addition to *deliberately* creating and affirming motherless or fatherless families, other harms would result from same-sex “marriage.” Homosexuals are less likely to enter long-term partnerships, less likely to be sexually faithful, and less likely to remain committed for a lifetime.⁵ Commitment, sexual fidelity, and lifelong marriage would all decline if the behavior of homosexuals is incorporated into society’s concept of marriage. Demands for legalization of polygamy would grow. Religious liberty and freedom of speech would also suffer, since opposition to same-sex “marriage” would be treated as the equivalent of racial bigotry.

Some argue that same-sex couples should at least enjoy legal and financial “benefits.” However, society gives “benefits” to marriage only because marriage between a man and a woman gives benefits to society. Homosexual relationships do not benefit society—in fact, they impose significant burdens on it.

This debate is taking place only because small bands of homosexual activists have gone to court in an attempt to gain from judges what they have been unable to win through the democratic process.

Proposals

- The definition of marriage as the union of one man and one woman should be enshrined in state constitutions. Ideally, such amendments should reserve the benefits granted to marriage for married couples only.
- Congress should oppose, and the president should veto, any effort to dilute, weaken, or repeal the federal Defense of Marriage Act.
- Congress should pass, and the states should ratify, an amendment to the U.S. Constitution to define marriage as the union of one man and one woman nationwide.
- Until such a Marriage Protection Amendment to the U.S. Constitution is adopted, Congress should consider measures which would withhold certain related federal funding from any state that fails to define marriage as the union of a man and a woman. For example, federal “family planning” funds could be withheld from any state that fails to recognize authentic marriage as the foundation of the healthy “family.”

⁵ See Timothy Dailey, “Comparing the Lifestyles of Homosexual Couples to Married Couples,” Insight No. 260 (Washington, DC: Family Research Council, March 24, 2004).

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Strengthen State Marriage Laws by Reforming Divorce

The Issue

In the 1960's and '70's, virtually every state did away with the traditional "fault-based" system of divorce and replaced it with "no-fault" divorce. The promise was that the new system would reduce acrimony in the dissolution of marriages that had already failed, without increasing the overall divorce rate.

That promise has not been fulfilled, as divorce rates have increased, and much of the conflict between spouses has simply been transferred from the divorce proceeding itself to child custody disputes. "No-fault" divorce might better be called "unilateral" divorce, because it has created a perverse incentive system in which the spouse who wants to end the marriage holds all the negotiating power and the spouse who wants to preserve the marriage holds none. The explosion of divorce has had devastating consequences for children, adult children of divorce, and those who divorce.

Proposals

- Replace the "unilateral" divorce system which resulted from "no-fault" divorce with a system of "mutual consent" divorce, under which an expedited divorce would only be available if both spouses want the divorce and are able to negotiate mutually agreeable arrangements regarding child custody and the division of assets and finances.
- In cases where both spouses do not agree to the divorce, restore "fault" as an element in divorce proceedings. This would remove the incentive for "unilateral" divorce, and reduce the inequities of the current system, in which the spouse who wants to end the marriage is often rewarded and an innocent spouse who wants to work at the marriage is often punished. Restoring fault would also allow the offending spouse to be penalized in financial and custody settlements.
- Restore "due process" to divorce proceedings and family courts. Many people are unaware of the sweeping powers that have been granted to family court judges over the most intimate details of people's family and financial lives. Requiring either mutual consent or a finding of fault after proceedings in which due process rights are protected would prevent those who wish to preserve their marriage from being unfairly punished, as they may be under the current system.
- Require longer waiting periods and counseling before granting a divorce. This would communicate that marriages must not be dissolved impulsively or quickly, and give more opportunity for reconciliation to occur.
- Offer "covenant marriage" licenses. Although optional (couples who marry would have the choice of a standard marriage license or a "covenant marriage" license), covenant marriage laws can serve as a pilot program for broader divorce reform. Those who choose a covenant marriage signal the seriousness and firmness of their commitment to lifelong marriage by agreeing to receive premarital counseling, to obtain counseling in the event of marital difficulties and to accept restrictions on divorce, such as longer waiting or separation periods and more limited grounds for divorce.

National Security and International Affairs

Place Military Readiness above Political Correctness

The Issue

In 1993, then-President Bill Clinton tried to lift the ban on homosexuals in the military. Facing strong opposition, Clinton proposed an alternative plan, called “Don’t Ask, Don’t Tell,” to allow gays to serve in the military if they did not say they were homosexual. Members of Congress rejected Clinton’s proposal because they knew it would be unclear, unworkable, and indefensible in court. Instead, members of Congress codified and reconfirmed the 1981 Defense Department regulations, reflecting the principle that “homosexuality is incompatible with military service.”

Congress approved the law (Section 654, Title 10, P.L. 103-160) with bipartisan, veto-proof majorities. The only legislative “compromise” allowed the Defense Department to stop asking “the question” about homosexuality that used to be on induction forms, but the Secretary of Defense can (and should) restore that question at any time. Federal courts have declared the law constitutional several times, and it enjoys strong support despite a determined public relations campaign that confuses the 1993 law with the Clinton-era “Don’t Ask, Don’t Tell” administrative policy.

The 1993 law stresses differences between civilian and military life and states that homosexuals are ineligible to serve in uniform. It protects discipline, readiness, and morale by respecting the normal human desire for modesty in sexual matters, since “forced intimacy” in the military offers little or no privacy. Contrary to the “national security” arguments of gay activists, the number of discharges for homosexuality is small compared to personnel losses for other reasons, such as drug offenses, weight standards, and pregnancy. Such losses could be virtually eliminated if “the question” regarding homosexuality were restored, without new legislation.

Men and women who volunteer to serve should not be forced to bear the burden of social experimentation and flawed personnel policies that invade privacy and hurt morale, discipline, and readiness.

Proposals

- Improve understanding and enforcement of the 1993 statute affirming that homosexuals are ineligible to serve in the military, and oppose congressional efforts to repeal the law.
- Restore compliance with policy and laws regarding military women, which exempt them from assignments in or near direct ground combat battalions, such as the infantry. All deployed soldiers serve “in harm’s way,” but these units engage the enemy with deliberate offensive action and are required to be all male.
- End gender-based recruiting pressures and misguided family policies that increase single parenthood and prolong separations of military parents from their children.
- Enforce the law mandating equal access to college campuses for military recruiters and ROTC programs, and provide sufficient funding to support the volunteer force.

18

Pursue a Long-Term Solution to Illegal Immigration

The Issue

The issue of illegal immigration has vexed our nation for decades and defied easy solution. In the past, the immigration issue has sparked episodes of nativism and xenophobia. Advocates of eugenics and negative population growth extremists, including Planned Parenthood and its allies, have exploited racist and Malthusian sentiments.⁶ Today, this undeniable history has facilitated charges of bigotry that are levied against opponents of illegal immigration to forestall real progress on this issue.

Family Research Council recognizes the difficult dilemma into which this debate has thrust churches, faith-based organizations and American families. FRC has opposed legislation that would penalize churches that refuse to make their compassion contingent upon measures to check illegal immigration that are properly the role of law enforcement.

At the same time, we recognize that without a system of law enforcement that meaningfully deters illegal immigration into the United States, public confidence in the rule of law will wither away and a compassionate consensus will never be reached.

Our nation's "Golden Door" to new arrivals should remain open, but to do so it must be hinged on a strong policy that guarantees respect for the law and national security.

Proposals

- Prioritize effective border security measures that deal with the full spectrum of security threats to our nation. Recent efforts to provide more verification tools and increase penalties on companies that hire illegal workers are welcome.
- Renew our nation's commitment to assimilation so that it encompasses a full understanding of our Constitution and liberties, history, and the embrace of English as our national language.
- Encourage changes in fiscal policy, democratic reforms, and pro-family policies in other countries to reduce the impetus for illegal immigration to the U.S.
- Currently, an infant born on U.S. territory automatically becomes a citizen of the United States, regardless of the status of his parents. Congress should act to correct or reform the unchallenged application of the 14th Amendment to the Constitution that has created this "anchor baby" policy.
- Minimize chain migration of adult family members of naturalized citizens. The United States should return to the pre-1965 policies of sponsorship whereby spouses, children, and parents are preferred in legal immigration.
- Continue temporary, nonrenewable and nonadjustable guest worker programs based on employer sponsorship.

⁶ David Tell, "Planned Un-Parenthood," *The Weekly Standard*, January 27, 2003; in Ponnuru, Ramesh, *The Party of Death*, Regnery Publishing (Washington, DC: 2006) p. 168.

19

Combat the Spread of HIV and AIDS by Promoting Abstinence and Fidelity

The Issue

The Human Immunodeficiency Virus or HIV, which leads to AIDS, has escalated to a global pandemic affecting more than 39 million people. The U.S. has led the way in the treatment, care, and prevention of this ravaging disease across the world through the Bush administration's multifaceted President's Emergency Plan for AIDS Relief (PEPFAR) which targets the epidemic in 15 focus countries in sub-Saharan Africa, Asia, and the Caribbean. The program has been a victory for compassionate conservatism, treating over 1.4 million African people with life-saving antiretroviral drugs since September 2007.

It has also included an effective prevention strategy known as "ABC" (Abstain, Be faithful, and use a Condom if engaged in high-risk sexual behaviors). The ABC approach has proven successful in stemming the disease epidemic in three countries. One of the successes from the PEPFAR five-year program, initiated in 2003, is community outreach promoting Abstinence and Being faithful which reached more than 40 million people. Of those reached through these activities, nearly 11 million individuals, primarily children, were taught abstinence as their primary behavioral objective.

While efforts are underway to reach the millions outside of the U.S. affected by HIV/AIDS, thousands of Americans also suffer from the infection/disease and the burden it places upon their lives. Treatment and care of those affected in the U.S. should mirror the compassionate outreach demonstrated in PEPFAR. Prevention efforts must also mirror the successful risk avoidance (or abstinence) approach implemented overseas.

Proposals

- The Centers for Disease Control and Prevention (CDC) and other agencies within the U.S. Department of Health and Human Services must adopt and promote the risk avoidance (or abstinence) primary prevention strategy for both sexual transmission and intravenous (IV) drug transmission. This prevention strategy should be incorporated into all competitive and demonstration grant programs and initiatives issued by the department.
- The testing and screening of pregnant women for HIV must be a priority within U.S. obstetrical care. Protocols to avoid mother-to-child transmission of the virus should be streamlined within obstetrical care hospitals and birthing centers located in metropolitan areas. These protocols should include referral for treatment and care as needed of both the mother and newborn child.
- Retain HIV infection mandatory case-reporting and confidential partner notification policies, in order to accurately assess the U.S. public health needs and effectively implement broad-based strategies to combat the epidemic.

Address Climate Change through Objective Evaluation of Science and Economics

The Issue

Much environmental advocacy and activism, particularly on the topic of global warming, contradict sound science. Prudent stewardship avoids “siren calls to action” based on hype or politicized science. Instead, environmental policies should be based on well-argued and well-understood evidence. Many scientists believe that greenhouse gas emissions can affect the global climate, but it is unclear how much these changes matter, what they mean for the future, or whether they are, on balance, good or bad.

Indeed, emerging evidence suggests that perhaps most of the slight increases in temperatures at the Earth’s surface in the last 160 years can be attributed to natural causes, such as cyclically changing solar activity and ocean/atmosphere cycles. Satellite and weather balloon measurements show that the average global temperature has declined somewhat since 1998. Hence the available data cast doubt on the claim that recent warming has purely anthropogenic causes and that dangerous global warming is impending.

We should be especially careful when proffered “solutions” to theoretical problems like global warming require major reductions in energy use and consequently economic development, as well as promote (sometimes coercive) population control efforts. Studies calculate that current climate change proposals would cost an average American family of four between \$1,000 and \$4,000 a year and result in extensive unemployment—yet have little impact on the world’s climate. The most severe impacts of such policies, however, would be on the world’s poorest families and countries. They would be prevented from developing the energy, jobs, and modern housing needed to eradicate poverty and disease, thus perpetuating the misery, despair, and early death that affect much of the developing world.

Proposals

- Delay proposed bans on, or mandates in favor of, specific technologies until (a) their costs and benefits have been assessed by independent analysts; and (b) the imminent threat of catastrophic climate change, or other environmental threats, can be ascertained with replicable scientific evidence.
- Continue the study of climate change science with full peer review, public access to all data and analytical methods, and open debate about results and implications.
- Recognize that for at least the next 50 years petroleum, coal, and natural gas will continue to be large parts of global energy sources, and promote increased exploration and production to control rising energy costs.
- Promote increased use of nuclear and hydroelectric energy as cost-competitive, technology-ready, non-carbon sources.
- Support continued market-driven (not government-subsidized) research into alternative energy technologies, especially solar, wind, and geothermal, including their price competitiveness and potential side effects on people and the rest of the Earth’s ecology.

Reform the United Nations

The Issue

The United Nations has long been plagued by scandal and ineffective governance. Sexual abuse scandals and widespread corruption in programs like Oil for Food have diminished the credibility of the organization. Nevertheless, the U.N. has thus far proven itself resistant to comprehensive reform. Calls for it to increase its financial transparency and those of its officials go unheeded. “Whistleblowers” are institutionally punished by an entrenched and unaccountable bureaucracy. Sovereign states and their citizens are increasingly treated as vassals rather than members by U.N. bodies and representatives.

One recent attempt at reform within the United Nations was the formation of the Human Rights *Council* in Geneva to replace the highly ineffective Human Rights *Commission*. The Council, however, has proved to be almost as disappointing as its predecessor in defending actual human rights. As was the Commission, the Council is composed of members with deplorable human rights records who engage in regular verbal attacks against nations that have representative democracies. The United States has made no effort to join the Council, a policy it should continue in the future.

The vast regulatory bureaucracy of the United Nations has become a prime mechanism for pro-abortion and anti-family activists to advance their goals by administrative fiat rather than democratic processes. The numerous compliance committees organized to oversee the implementation of U.N. treaties have a storied tradition of inventing obligations of sovereign states to legalize abortion, promote homosexuality, and adopt other liberal social policies. These policies are nowhere to be found in the treaties, but signatory states—especially small countries with dependent economies—have no recourse against the internationalist bureaucracy. Likewise “special rapporteurs” in all manner of areas use their investigative mandates to promote far-left social policies—such as the pro-homosexual Yogyakarta Principles—around the world, rather than doing their job.

Proposals

- The president must appoint ambassadors and delegates from the United States who will vigorously oppose the scandals and corruption in the United Nations bureaucracy.
- The U.S. should insist that the U.N., as far as possible, stay out of social issues, instead focusing on its original mission of deterring war.
- Given the dangers that treaty compliance committees pose to sovereign states, the Senate should continue to oppose ratification of the Convention on the Rights of the Child (CRC), the Convention to End All Forms of Discrimination against Women (CEDAW), and the Law of the Sea Treaty (LOST). Ratification of these treaties would make the United States answerable to their rogue interpreters and enforcers, and to activist judges in the United States who misuse such statements as evidence of “international law.”
- Congress should reduce U.S. contributions until the U.N. has undergone a thorough and effective management reform.

Religious Liberty

Protect the Freedom of the Pulpit

The Issue

Many members of the clergy who would like to inform their congregations about where political candidates stand on issues of deep moral concern are intimidated from doing so because they fear that speaking out could cost their church its tax-exempt status.

Many people assume that this restriction is a function of the constitutional “separation of church and state.” Yet for over 160 years of our nation’s history there was no restriction placed upon the freedom of pastors to speak out on the issues of the day—including the freedom to praise or criticize active candidates for public office.

The restrictions upon political speech and activity by churches and other non profit organizations are actually found not in the Constitution, but in the Internal Revenue Code. They are there only because of an amendment to the law which was proposed by then-Senator Lyndon B. Johnson (D-Tex.) and approved in 1954 by a voice vote of Congress without any debate or analysis. Johnson wanted to keep a private foundation in Texas from campaigning against him, so he won passage of an amendment stating that nonprofit organizations that are tax exempt (including churches) could not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.”

IRS publications make it clear that the IRS believes this restriction applies to any communications showing favor to one candidate over another that could be taken as representing an official position of the church—including a biblically based sermon preached by a church’s pastor in the church’s regularly scheduled worship service. Although no church has ever had its tax exemption removed under such circumstances⁷, some churches have been investigated for sermons preached from the pulpit and the mere threat of such a consequence (or a fine or warning letter, which the IRS can also use as enforcement mechanisms) exerts a chilling effect upon the pastor’s freedom of speech.

Some legal experts believe that this provision of the Internal Revenue Code is unconstitutional. They argue that because of the First Amendment’s guarantee of the “free exercise of religion,” the government has no right to impose any restraints upon the speech of churches or pastors, and no right to tax churches because of the content of their communications. The Alliance Defense Fund has announced plans to challenge the IRS in court if it imposes sanctions upon pastors who preach a “candidate comparison” sermon from the pulpit.

However, there is no need just to wait on the courts to act, since the offending provision was created by statute.

Proposal

- We urge Congress to pass, and the president to sign, legislation that would repeal the 1954 restriction upon “political campaign” activity by churches.

⁷ Only one church has ever been reported to have lost its tax-exempt status and that was only for a temporary period. That church had taken out a full-page newspaper ad before the 1992 presidential election urging Christians not to vote for Bill Clinton and soliciting funds to help pay for the ad.

Protect Freedom of Conscience for Employers, Clergy, Religious Believers, and Others

The Issue

People of faith are finding their constitutional right to speak and act according to the dictates of their conscience to be increasingly constrained and threatened. Federal legislation is introduced on an annual basis that would stigmatize common expressions of faith convictions as “hate,” while other proposed legislation would require employers to hire those whose lifestyles directly oppose the values they wish to have expressed in the workplace.

Federal “hate crime” legislation is ostensibly directed only at violent crimes (which we unequivocally condemn), but since these acts are already illegal and regularly prosecuted, the bill is redundant from the standpoint of criminal law. Its real purpose seems to be to suppress the free speech of those who object to homosexual behavior on moral or religious grounds by labeling it as “hate.” In some jurisdictions with similar laws on the books, that suppression has taken place via direct prosecution for speech-related offenses alone.

Also regularly introduced in Congress is the Employment Non-Discrimination Act (ENDA), which would grant special rights to homosexuals and none to employers, who in many cases would be compelled to abandon their freedom of choice and moral principles as they relate to hiring and other personnel practices.

The “religious exemption” included in the bill would be unlikely to protect the for-profit activities of religious organizations. Institutions that could be targeted include religious summer camps, the Boy Scouts, Christian bookstores, religious publishing houses, religious television and radio stations, and *any* business with 15 or more employees. Nondenominational religious elementary schools, high schools, and colleges would be vulnerable to litigation as well as government intrusion to determine whether their curriculum is sufficiently “directed toward the propagation of a particular religion.” Without a blanket exemption for all religious educational institutions, schools will operate in constant fear of litigation. Even if such groups defend themselves successfully against such complaints, the cost of doing so will have a chilling effect.

Proposals

- Congress should reject (or the president should veto) the “Employment Non-Discrimination Act.”
- Congress should reject (or the president should veto) any federal “hate crime” legislation including sexual orientation.
- State legislatures and governors should reject similar bills.
- Congress should pass legislation that affirms and strengthens the religious freedom of Americans as guaranteed by the U.S. Constitution and rooted in the nation’s history. A “Freedom of Conscience Protection” law should protect the right of individuals, businesses, and religious institutions to express and carry out their moral views regarding homosexuality in the school, in the workplace, or in the public square without fear of legal retribution.

Protect Freedom of Conscience in Health Care

The Issue

The expansion of state power over the provision of health care has been accompanied in some cases by service and coverage mandates that compromise the convictions of those who have ethical or religious objections to certain medical and non-medical products and procedures.

For example, pharmacists are being compelled to sell products they object to on moral grounds, and many are leaving the profession for which they have been trained and educated. Efforts are afoot to compel physicians to refer patients for abortions as part of standard medical practice. Mental health therapists who offer “reparative therapy” to help people overcome unwanted homosexual attractions face the prospect that such therapy will be declared unethical, with its use being deemed punishable by the relevant professional bodies.

Ethical problems have arisen as well for those who purchase health care—both businesses and individuals. The growing government domination of health care means that insurance companies are being drawn into ethically difficult areas like mandated “reproductive health” coverage. Many health insurers do not want to be forced to pay for unethical medical services, and many individuals want ethical insurance options. Presently individuals have few or no choices in selecting their health insurance carrier. As we discuss in greater detail elsewhere, if Americans are to have health care coverage compatible with their moral and religious beliefs, they must control the purchase of their insurance.

Proposals

- Federal and/or state law should protect the right of health care professionals and organizations to reject participation in or cooperation with the provision of abortion or abortifacient drugs, sterilization, embryo-destroying research or treatments, euthanasia, and other practices.
- Professional licensing bodies must be prevented from imposing politically driven agendas on members or potential members of the health care professions (*e.g.*, requiring that obstetrician-gynecologists perform or refer for abortions or that medical students train to perform abortions, or prohibiting reparative therapy for homosexuality and other conditions).
- The right of health insurers to limit coverage of ethically questionable medical services should be protected, and the right and ability of health insurance subscribers to prevent use of their premium dollars for procedures they object to on ethical grounds should be expanded.
- The right of parents to determine the medical and preventive care needed for their minor children must be respected in all but those cases in which serious harm to a child would follow from genuinely irrational decision-making.

Promote Religious Liberty in U.S. Foreign Policy

The Issue

Religious freedom became a formal part of U.S. foreign policy through the International Religious Freedom Act of 1998 (IRFA). IRFA created an apparatus of three overlapping institutions to advance religious liberty abroad. At its center is a State Department IRF office headed by an ambassador at large. Next is a bipartisan IRF Commission, funded directly by Congress and charged with providing independent policy recommendations. Finally, IRFA recommended (but did not require) a religious freedom advisor to the National Security Council. This position was filled at a junior level under President Clinton, and given to more senior officials, albeit ones with other responsibilities, under President Bush.

The annual report required by IRFA has achieved a high level of accuracy in identifying the facts of persecution. Equally important, the report has ensured that foreign service officers in U.S. embassies and consulates develop the sources and knowledge necessary to provide the initial drafts for their respective countries. The international religious freedom office has achieved the release of prisoners in several countries and laid the foundation for structural changes in Vietnam, Laos and, to a lesser extent, Saudi Arabia. The IRF Commission has made good policy recommendations and contributed to religious freedom in Iraq, Afghanistan, Sudan and elsewhere.

Unfortunately several problems have limited progress. Despite the nominally high level of the IRF ambassador, his office is isolated within the State Department. The ambassador works, in effect, for a lower-ranking official, the Assistant Secretary for Democracy, Human Rights and Labor (DRL). Partly as a result, IRF has played virtually no part in the Bush administration's policy of advancing stable democracy in the Middle East or in countering Islamist extremism. That only began to change in the first part of 2008, a decade after passage of IRFA, when Congress virtually forced the department to accept \$4 million earmarked for religious liberty programs. Mainstreaming religious liberty as a priority in the State Department would have a radical impact on how the issue is engaged in everyday policy.

Proposals

- The U.S. can, and should, use its IRF policy to support political regimes that protect religious freedom and to encourage all regimes to do so by, among other things, aggressively implementing existing sanctions against violators of religious liberty.
- The next president should ensure that the religious freedom advisor to the National Security Council is a senior official, without other responsibilities.
- The ambassador's office should be moved out from under DRL and directly report to the secretary.
- The Foreign Service Institute should make religious freedom issues a central and integral part of foreign service training.



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