Back on the Right Road: Policy Goals for 2012 & Beyond

BY FRC POLICY EXPERTS

The latest public opinion polls show an overwhelming majority of Americans believe our nation is on the wrong track headed in the wrong direction. Can we get America back on the right track? Can we correct the policies and decisions that have left our nation less secure at home and abroad? Can we reverse the policies that have brought us to the brink of fiscal insolvency? Can we address the moral and cultural chaos that has been unleashed on society? Yes we can!

History has clearly shown the influence that the “Values Voter” can have in the political process. To assist, we have created this booklet as a summary of some of the most pressing issues facing our families, our churches and our local communities. At FRC, we believe our nation is strongest when we have a strong national defense, a robust economy, and thriving families. This booklet outlines specific ways that the next Congress and the next President can strengthen our country.

Without strong, vibrant families, the economy suffers. Without a strong, vibrant economy, our national security suffers. These issues, while distinct, are indivisible. We cannot have any of them without the other two.

I invite you to read this “Back on the Right Road: Policy Goals for 2012 & Beyond,” share your concerns with your elected officials, and join us in strengthening our great country. To learn more about our work, please visit our website at www.frc.org or call 1-800-225-4008. I look forward to working with you as we bring about a society that respects life and protects marriage.

Tony Perkins
President
Family Research Council
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Stem Cells: Ethics, Research and Promise</td>
<td>3</td>
</tr>
<tr>
<td>– Dr. David Prentice, Senior Fellow for Life Sciences, Center for Human Life and Bioethics</td>
<td></td>
</tr>
<tr>
<td>Dangers of Egg-Harvesting for Research and IVF Pregnancies</td>
<td>4</td>
</tr>
<tr>
<td>– Prentice</td>
<td></td>
</tr>
<tr>
<td>Prosecute Obscenity and Protect Children and the Public from Pornography and Media Indecency</td>
<td>5</td>
</tr>
<tr>
<td>– Cathy Cleaver Ruse, Senior Fellow, Legal Studies</td>
<td></td>
</tr>
<tr>
<td>Fight Sex Trafficking in the US</td>
<td>6</td>
</tr>
<tr>
<td>– Dr. Chris Gacek, Senior Fellow, Regulatory Affairs</td>
<td></td>
</tr>
<tr>
<td>Restore Parental Rights in Education</td>
<td>7</td>
</tr>
<tr>
<td>– Gacek</td>
<td></td>
</tr>
<tr>
<td>Family-Friendly Tax Policy</td>
<td>8</td>
</tr>
<tr>
<td>– Tom McClusky, Vice President for Government Affairs</td>
<td></td>
</tr>
<tr>
<td>Fiscal Responsibility</td>
<td>9</td>
</tr>
<tr>
<td>– McClusky</td>
<td></td>
</tr>
<tr>
<td>Require Abortion Facilities to Meet Basic Medical Standards</td>
<td>10</td>
</tr>
<tr>
<td>– Jeanne Monahan, Director of Center for Human Dignity</td>
<td></td>
</tr>
<tr>
<td>End Forced Taxpayer Subsidization of Abortion, Abortion Providers and Abortafacient Drugs</td>
<td>11</td>
</tr>
<tr>
<td>– Monahan</td>
<td></td>
</tr>
<tr>
<td>Do Not Misuse Civil Rights Laws to Protect Homosexual Conduct and Gender Identity Disorder</td>
<td>12</td>
</tr>
<tr>
<td>– Peter Sprigg, Senior Fellow for Policy Studies</td>
<td></td>
</tr>
<tr>
<td>Strengthen Marriage Through State Policy Reforms and Community-Based Leadership</td>
<td>13</td>
</tr>
<tr>
<td>– Sprigg</td>
<td></td>
</tr>
<tr>
<td>Restore the military’s prohibition on open homosexuality</td>
<td>14</td>
</tr>
<tr>
<td>– Robert G. Morrison, Senior Fellow for Policy Studies</td>
<td></td>
</tr>
<tr>
<td>Protect Freedom of Conscience in Health Care</td>
<td>15</td>
</tr>
<tr>
<td>– Monahan</td>
<td></td>
</tr>
<tr>
<td>Protect religious freedom in the public square</td>
<td>17</td>
</tr>
<tr>
<td>– Ken Klukowski, Director of the Center for Religious Liberty</td>
<td></td>
</tr>
</tbody>
</table>
BIOETHICS

Adult Stem Cells: Ethics, Research and Promise –
Dr. David Prentice

Adult stem cells are the only stem cells successfully treating patients now, and are helping patients without harming the stem cell donor. Embryonic stem cell research requires destruction of young human life and has shown no proven benefits for a single human being, while cloning (nuclear transfer) creates new human life only for experiments. Induced pluripotent stem cells (iPS cells) can be created ethically by adding a few genes to normal adult cells such as skin and then reprogramming the cells to act like embryonic stem cells, but even iPS cells have no therapeutic use at present. The practical dangers of embryonic stem cells for potential treatments are significant, including possible tumors, difficulty forming and maintaining the desired tissue repair cells, and potential transplant rejection.

Adult stem cells are being used to treat over 50,000 people a year around the globe, for dozens of different diseases and injuries, including heart damage, spinal cord injury, corneal blindness, multiple sclerosis, sickle cell anemia, and numerous cancers. Adult stem cells can be harvested from almost any tissue, including bone marrow, blood, brain, heart, muscle, and fat, often from the patient herself, as well as umbilical cord blood and the solid umbilical cord. Adult stem cell therapy results are documented by published, peer-reviewed scientific evidence in the patients. Adult stem cell therapies are ethical and successful, with even more on the horizon. Adult stem cells truly are saving lives and improving health now, and put the patients first.

Efforts to increase funding of successful adult stem cell research and treatments include the bipartisan Forbes–Lipinski “Patients First Act,” introduced in the last two sessions of the U.S. Congress, as well as state legislation to fund adult stem cell research in Texas, Oklahoma, Nebraska, Kansas, and Indiana, and to prohibit embryo-destructive research, human cloning, and animal-human hybrids, including bills in Arizona, Louisiana, and Ohio.

What You Can Do

- Learn the facts about adult stem cell successes and ethics, and differences with unethical, unsuccessful embryonic stem cells, pass on correct information, rebut false information.
  Stem Cell Research Facts:
  www.stemcellresearchfacts.org
  Stem Cell Research:
  www.stemcellresearch.org
  FRC facts on Stem Cells:
  www.frc.org/life--bioethics#stem_cells

- Write a letter to the editor, an op-ed, or a short article to educate more people about the successes of adult stem cells.

- Make sure your physicians know the facts about successful adult stem cell treatments.

- Contact your U.S. Senators and Representative and encourage them to pass the Patients First Act, and to increase federal funding for adult stem cell research, including more clinical trials.

- Contact your state elected officials and ask them to introduce or pass legislation funding adult stem cell research and patient treatments in your state.

- Encourage establishment and expansion of state and regional public cord blood banks.

- Encourage your elected officials to provide a tax credit for families who save as well as donate umbilical cord blood.

- Ask your legislators to end federal and state taxpayer funding of embryonic stem cell research, all human cloning, and all human embryo research.
Harvesting eggs from women for biotechnology research and reproductive technology can directly and adversely affect women's health. Research related to human cloning, human embryonic stem cells, and human embryo development, as well as collection of eggs for \textit{in vitro} fertilization (IVF), has produced a market demand for young women's eggs, but also has negatively impacted many women's health and safety. Undue risks are especially placed on young and poor women. Egg brokers and harvesters often advertise on college campuses, offering inducements of thousands of dollars to lure young women to risk their health. The harvesting of women's eggs for research and for donor-egg IVF pregnancies has led to coercion, deception, violations of informed consent, health problems, and even the deaths of some women, lured into egg donation by such financial incentives.

Between 10-20 percent of women who undergo the hormonal stimulation used in egg harvesting may experience ovarian hyper-stimulation syndrome, which can cause pain, kidney failure, respiratory distress, hemorrhage from ovarian rupture, and blood clots, and can lead to future infertility, and even death. Published scientific papers, going back over 15 years, document some of the short-term adverse health effects, yet there is a significant lack of extended follow-up of these women and the potential long-term health risks to them. The exaggerated and distorted claims for embryo and cloning research, as well as advertised guarantees of IVF clinics to deliver a baby, give false promise to patients and donors alike. They also increase demand for women’s eggs for highly unethical experiments and exploit women as mere sources of raw material for science.

Current laws place limits on payments and procurement of human organs for transplant. However, there are very few laws at the federal or state level that regulate procurement or donation of human eggs, or compensation of human egg donors. Moreover, the lack of data on long-term health effects of egg donors means that women who donate eggs for research or for IVF pregnancies risk their health without complete informed consent. Just as all human trafficking should be prohibited, so also should all trafficking in women's tissues be prohibited. Further, true informed consent in egg donation requires that women be completely advised regarding the potential adverse effects associated with these egg donations, including long-term impacts on their health and future fertility.

Some states have taken the lead in proposing limits on financial inducements as lures for egg donations, such as Arizona, Oklahoma, Kansas, Massachusetts, and California. But there is still largely no regulation or oversight of the egg donation industry and New York has actually approved a large financial payment to induce egg donors to risk their health. There is also some movement at the federal level to begin tracking egg donors and their long-term health problems.

**What You Can Do**

- Contact your U.S. Senators and Representative to encourage them to introduce and pass legislation for a federal registry that provides long-term tracking of the health of women who donate eggs, as well as disposition of all eggs harvested.

- Contact your state legislators and ask them to pass legislation that removes financial inducements for young women to donate their eggs and risk their health.

- Encourage laws that prohibit all trafficking in women’s eggs, including payments for egg harvesting.
EXPLOITATION OF WOMEN AND CHILDREN

Prosecute Obscenity and Protect Children and the Public from Pornography and Media Indecency – Cathy Ruse

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 or even sexually graphic. But 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. But 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 can exploit our children on the Internet with impunity.

What You Can Do

• Contact your U.S. Senators, Representative, and the FCC to encourage them to increase the fines and penalties for broadcasting indecent and profane material and support applying such restrictions to cable and satellite transmissions.

• Support the vigorous enforcement of all existing laws against child pornography and obscenity. FRC applauds the Department of Justice for 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 destroys their families.

• Contact your U.S. Senators and Representative to ask them for a comparable increase in money and manpower specifically for obscenity prosecutions.

• Ask your U.S. Senators and Representative to close the legal loophole which allows the peddling of less-extreme pornography to children online.
EXPLOITATION OF WOMEN AND CHILDREN

Fight Sex Trafficking in the US – Dr. Chris Gacek

As shocking as it may seem to the average American, sex trafficking is a serious problem in the United States. It is taking place all around us as up to 100,000 American juveniles are trafficked annually. Sex trafficking of children takes place in every American city of substantial size. Frequently, girls are introduced into trafficking and forced into prostitution as young as age 13.

According to the U.S. Department of Justice, 82 percent of trafficking events involved allegations of adult sex trafficking, prostitution, and sexual exploitation of a child. According to federal law, “trafficking” is defined as the “recruitment, harboring, transportation, provision, or obtaining of a person for one of three reasons…” The first has to do with keeping a person in involuntary servitude or forced labor. The second involves “a commercial sex act through the use of force, fraud, or coercion.” And, if the person is under 18, “any commercial sex act … regardless of whether there was coercion.”

Often, the trafficker tries to recreate a family environment with the trafficker acting as the head of a pseudo-family. Such activity is intended to create a substitute home in which continued economic and sexual exploitation of the minor is facilitated and where the child transfers trust and loyalty to his or her criminal overseers. This underscores the insidious nature of sex trafficking and the great need that exists to fight this evil at the local level because the criminal activity takes place there.

What You Can Do

• Contact groups that oppose sex trafficking for information. Learn more about sex trafficking. Groups like the Salvation Army and Shared Hope International fight sex trafficking and have excellent websites dedicated to the topic.

• Oppose the presence of sexually oriented businesses (e.g., massage parlors, strip clubs) in your community. Groups like Citizens for Community Values (Cincinnati, OH) and ROCK (Louisville, KY) have done excellent work getting rid of businesses that are closely connected to trafficking and related criminal activities.

• Work to establish and sustain local shelters for at-risk children and adults.

• Pray that God will assist our nation in ridding itself of this scourge. For example, the Salvation Army holds an annual “International Weekend of Prayer and Fasting for the Victims of Sexual Trafficking” during the last weekend of September.
FAMILY EMPOWERMENT

Restore Parental Rights in Education
– Dr. Chris Gacek

The Family Research Council believes that future education policy across the United States must provide parents with a greater say in the education of their children – that is, increasing parental rights in all areas of educational decision-making. This will provide families with the option to choose the best teaching arrangements for their children’s educational needs. Additionally, increasing parental rights will protect the religious freedoms of the family in a world that is increasingly hostile to their sacred beliefs.

FRC tracks the ability of parents and students to select the educational institutions to which they send their children. Choice allows education “purchasers” to educate their children at home without undue government interference or to select schools most aligned with each family’s and each child’s needs. Included in these decisions are such considerations as effective teaching, safer environments and financial needs. The ability of customers to “exit” poor schools forces inferior institutions to adapt and improve. Consequently, the capacity for the educational consumer to leave a poor school or school system is essential to long-term improvement in education.

For education to serve the public, it must give parents access to a variety of school types—not just a government option. The current system is essentially a monopoly model that is not suited to the genuine needs of families and children. As with other monopolies, it gives disproportionate weight to itself and its special interests, and not enough to the customers—the parents and children. Furthermore, monopolies always resist competition, which compels improvements and innovations. Any new system of education must leave behind the mindset that only government schools can serve the public. Parents should be allowed to select the educational institutions that best suit their needs.

Educational choice may allow Christian parents to select schools that support the God-centered worldview they wish to teach their children. This dimension of school choice is about creating enclaves of Christianity safe from secular intrusion and interference. For those who must remain in public schools we encourage “opt-out” policies, either at the state or local level, with regard to certain curricula and teaching materials (e.g., sex education).

What You Can Do

• For homeschoolers, if you can, follow and support the work of the Home School Legal Defense Association (HSLDA). HSLDA’s work is invaluable in sustaining this form of educational choice.

• Let state and local candidates know that educational choice is important to you. Do this in person, by letter, or e-mail.

• Please note that local school and library boards are often accessible to direct election or participation by members of the public. Tea Party organizations would seem well suited to contesting these local seats.

• For those wishing to know more about the two opposing educational philosophies that pit governmental-control versus parental-control, we recommend FRC’s 2011 publication authored by Jack Klenk, “Who Should Decide How Children Are Educated?”
FAMILY EMPOWERMENT

Family-Friendly Tax Policy – Tom McClusky

Taxes are a necessity to keep a steady government in operation. Our freedoms and way of life would not be safe without a well-funded military and our local communities would not be safe without police and fire departments. However, our current system of taxation is unfair to families and the companies they own or where they work, small and large alike. Tax revenues can have real benefits if spent wisely, yet they always have real consequences on the taxpayer. For every dollar given to federal, state and local government, families must work harder and longer to replace that dollar, or they must decide to live without things they would have been able to afford otherwise. It is time government lived by the same standard.

The best solution for families is a complete revamp of our current tax code that results in a fairer tax code. Until that time, Washington needs to take steps that allow them to keep more of the money they have earned. The very first step is that the tax relief provisions passed in 2001, 2003 and 2004 must be made permanent. In 2009 Congress took the less brave approach and merely extended many of those provisions for two more years. Budgeting families should not have to rely on the shifting winds of Washington to work out long term financial plans.

While families might have appreciated the short-term reprieve Congress granted them in the “Tax Deal” of 2009, one major downside was that the deal increased from 0 percent to 35 percent the Death Tax (the death tax occurs when you inherit assets from someone deceased, which in one of its first forms was initiated to help pay for World War I.) The Death Tax submits its targets to double taxation which can result in the dissolution of family businesses and the dampening of business investments. The Death Tax should die its final death and be eliminated.

Congress should also increase the child tax credit to at least $5,000 per child. Congress should also lower the minimum earned income eligibility for any portion of the tax credit to $10,000. 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). Congress should not allow the child tax credit to drop below $5,000 and the maximum thresholds to drop below current levels, should the CPI decrease.

The tax code should allow 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. Additionally the marriage penalty for Social Security recipients should be eliminated. Also the upper marginal tax rate (the effective rate of tax paid on each additional dollar of income) for the poor (presently as high as 89 percent) must be modified so that it does not exceed the marginal tax rate for upper-income people (33 percent).

The Alternative Minimum Tax should be rolled back, indexed and repealed altogether.

As we go forward we must not throw away the opportunity that is presented to us. We should always adhere to the words of Ronald Reagan in 1964, sixteen years before he would be elected President:

We need true tax reform that will at least make a start in restoring for our children the American Dream that wealth is denied to no one, that each individual has the right to fly as high as his strength and ability will take him.
American families have prospered most when our markets are free and when innovation, enterprise and entrepreneurship are encouraged. Over the last few decades, Washington has instead fostered an atmosphere that calls for more taxation, over-regulation and increased litigation. Government takeovers of major economic sectors have failed to stimulate growth and in the long-term may prove ineffectual even towards stabilizing the economy, while the size and the scope of the federal government have exploded. What is needed is common sense, pro-growth policies to give businesses and entrepreneurs renewed confidence in our economy and to remove Washington as the roadblock to job creation.

Regardless of the party in power, Washington has failed to restrain itself when it comes to spending and regulating. Legislation, such as the REINS (Regulations from the Executive In Need of Scrutiny) Act, is needed to hold back an Executive Branch from seizing tremendous power from the other two branches of government. The REINS Act would require that every new major rule proposed by federal agencies be approved via joint resolution passed by both bodies in Congress and signed by the President before they can take effect. A “major rule” is any rule that the administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds may result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers; or significant adverse effects on the economy.

A recent report by the Small Business Administration’s Office of Advocacy stated: “The annual cost of federal regulations in the United States increased to more than $1.75 trillion in 2008. Had every U.S. household paid an equal share of the federal regulatory burden, each would have owed $15,586 in 2008.” According to research by The Heritage Foundation, the Code of Federal Regulations, a compendium of all existing federal rules, hit a record high of 163,333 pages in 2009, an increase of some 22,000 since the beginning of the decade.

However it is not just the Executive Branch that needs restraint. The federal government as a whole is too big and spends too much of our money. We have an ever increasing, record breaking debt that now totals over $14 trillion. According to the Congressional Budget Office, recession-depleted tax revenues are scheduled to rebound to their historical average of 18 percent of GDP by 2018 and reach 18.4 percent by 2021. Federal spending, which has historically been 20.3 percent of GDP, however, is projected to reach 26.4 percent of GDP by 2021. America is on a dangerous trajectory as Congress continues to increase spending and raise debt ceilings without regard to incoming levels of revenue.

President Thomas Jefferson once wrote, “I wish it were possible to obtain a single amendment to our Constitution …; I mean an additional article, taking from the federal government the power of borrowing.” While a Balanced Budget Amendment to the U.S. Constitution can’t guarantee what our second President was calling for, it will create a new atmosphere of responsibility in Washington – but only if it includes both a spending limitation and a super-majority for raising taxes, in addition to balancing revenues and expenses.

**Legislation in the 112 Congress:**

- H.R. 10, S. 299: Regulations From the Executive in Need of Scrutiny Act of 2011 (REINS) Act
- S.J. Res. 5, H.J. Res. 56: Balanced Budget Amendment that cap spending at 18 percent and discourage raising of taxes
Abortion remains one of the least regulated medical procedures in the United States, often resulting in unsanitary and unsafe conditions. On occasion, abortion clinic standards have been dire enough to result in long-term health complications for patients, in some instances, even death. In January 2011, the Huffington Post highlighted one such story of a clinic in Pennsylvania, where substandard conditions existed over the course of fifteen years and ultimately resulted in the death or infection of numerous patients.

Other similar cases of substandard abortion facilities have been reported in Arizona, South Carolina, Texas, and Kansas. Disregard for basic health and safety standards have caused untold numbers of American women to have 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 pre-term 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.

What You Can Do

• Encourage your state leaders to adopt and enforce appropriate medical standards for abortion facilities like those required for other ambulatory surgical facilities. These should include standards concerning the following: 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.

• Ask your state legislators to promote informed consent laws. 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 as well as fetal pain); 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.

• Require screening to ensure that a woman seeking an abortion is not doing so under coercion by any other individual.
The most recent abortion data reveals that in 2008, 1,212,350 abortions were performed in the United States, bringing the total number of abortions in the U.S., since the 1973 Supreme Court decision in Roe v. Wade, to well over 52 million. Direct federal funding for abortion increases the number of abortions performed. Similarly, federal funding of abortion providers (for family planning or other services) also increases the number of abortions performed.

In the years immediately following Roe v. Wade, the federal government funded 300,000 abortions per year under Medicaid. However, the Hyde amendment was enacted in 1975 and made the direct funding of abortions, outside of exception clauses, illegal. In 1993, the Congressional Budget Office (CBO) estimated that the Federal Government would pay for as many as 675,000 abortions annually, were the Hyde Amendment not in place. By contrast, in 2008 there were 425 abortions in the U.S. funded by the federal government and in 2009 there were 220 federally financed U.S. abortions.

The majority of Americans strongly oppose taxpayer funding for abortion. In many polls conducted in the past few years, Americans were abundantly clear about their conscientious objections to allowing their tax dollars fund abortion. Planned Parenthood, the nation's largest abortion provider, in the most recent fiscal year received approximately $363.2 million in federal and state grant monies, roughly one-third of the organization's budget.

Congress has sought to prevent government funding of abortion and other practices destructive of innocent life through a large number of pro-life provisions 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.

**What You Can Do**

- Although the following measures have passed the House of Representatives, they have not passed the Senate. The next President should commit to supporting these bills.
  - Enact: “No Taxpayer Funding for Abortion Act” to provide a government-wide Hyde amendment to stop abortion funding.
  - Enact: “Title X Abortion Provider Prohibition Act”, which prohibits family planning grants from being awarded to any entity that performs abortions.
  - Ask your state and local government leaders to cut off all funding for abortion providers.
Do Not Misuse Civil Rights Laws to Protect Homosexual Conduct and Gender Identity Disorder – Peter Sprigg

“Civil rights” laws protecting against “discrimination” in employment, housing, and public accommodations have historically granted protection based on characteristics which are inborn, involuntary, immutable, innocuous, and/or in the U.S. Constitution. While all of those criteria apply to characteristics like race or sex, none of them apply to the choice to engage in homosexual conduct or to deny one’s biological sex. Yet homosexuals and cross-dressers (who suffer from a recognized mental disorder, “Gender Identity Disorder”) are seeking such protection through laws at the local, state, and national level.

Such laws violate Constitutional freedoms of religion, speech and association. They would prohibit employers from taking into account their sincere beliefs about what is appropriate conduct when making hiring, management, and promotion decisions.

“Religious exemptions” do not adequately protect people of faith. While such laws sometimes contain “religious exemptions” (for example, to prevent churches from being forced to hire homosexual clergy), these may not protect the conscience rights of individual Christians, Jews, Muslims and others. Profit-making corporations may not qualify for the exemption, so Christian bookstores, religious publishing houses, and religious television and radio stations could all be forced to compromise their principles.

Such laws would mandate the employment of homosexuals in inappropriate occupations. Sexual conduct can be relevant to employment. Under such legislation employers in the area of education and childcare would be required to hire homosexuals, even if they consider them inappropriate role models for children and youth.

Such laws would destroy employers’ rights to set dress and grooming standards for their employees. Such bills sometimes purport to protect such rights. But dressing and grooming in a way that is culturally appropriate for the employee’s biological sex is the most fundamental such standard there can be.

Such laws would pave the way for legalization of counterfeit same-sex “marriage.” State courts that have legalized homosexual “marriage” have cited the existence of “non-discrimination” laws at the state level as establishing a precedent which they have then applied to marriage. Passage of the so-called “Employment Non-Discrimination Act” (ENDA) at the national level could give fuel for a similar decision by the U.S. Supreme Court, forcing same-sex “marriage” on every state in the union.

What You Can Do

• Legislators at the local, state, and federal level should reject any bills that would expand civil rights protections to cover homosexual conduct (“sexual orientation”) or cross-dressing (“gender identity”).

• Executive agencies at the local, state, and federal levels should not circumvent the legislative process by adopting special protections based on “sexual orientation” or “gender identity” without explicit statutory authorization.

• Congress should reject, and/or the next President should veto, the “Employment Non-Discrimination Act” (ENDA).
Strengthen Marriage Through State Policy Reforms and Community-Based Leadership – Peter Sprigg

The institution of marriage is in crisis in America at both ends of the marital life-cycle—with respect to both the formation of marriages and their dissolution. Many couples cohabit before or instead of marrying, and many end their marriages in divorce. Educating the public about these problems and overcoming them will require the efforts of both community leaders (such as clergy) and government policy-makers (primarily at the state level, which is responsible for most family law).

Many couples see cohabitation as a “trial marriage,” and believe this period of testing before they commit to marriage will make marital failure less likely. Yet dozens of scholarly studies have shown the exact opposite. Cohabiting relationships are much less stable than marital ones, and couples who cohabit before marriage are more likely to divorce, not less.

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. “No-fault” divorce might better be called “unilateral” divorce, because it has created a perverse incentive system in which the party that wants to end the marriage holds all the negotiating power. Many divorces occur in low-conflict marriages in which one or both spouses are open to the possibility of reconciliation. The explosion of divorce has had devastating consequences on children, adult children of divorce, and those who divorce. Fortunately, a bipartisan Coalition for Divorce Reform (www.divorcereform.info), united across ideological lines, has recently been formed to attack this problem.

What You Can Do

• Local communities should adopt Community Marriage Policies. Under this concept, originated by MarriageSavers, clergy of all denominations in a community agree not to marry any couple unless they participate in extensive premarital counseling with clergy and with mentor couples recruited from the churches. Communities with such policies have seen significant reductions in rates of cohabitation and divorce.

• Government programs such as welfare, Medicaid, food stamps, housing subsidies, and Social Security should eliminate all financial incentives for cohabitation and penalties for marrying.

• Because the impact of divorce falls most heavily on innocent children, states should adopt a Parental Divorce Reduction Act. Under this system, if married parents with minor children living at home wish to divorce, they must first complete divorce reduction classes which teach about the harmful effects of divorce, relationship skills, and the potential for reconciliation. They must then have a waiting period of eight months for “reflection and reconciliation” before being permitted to file for divorce. This would create a bias in favor of the preserving the marriage rather than ending it.
NATIONAL DEFENSE

Restore the military’s prohibition on open homosexuality – Robert G. Morrison

Congress moved in the lame duck session in 2010 to repeal the ban on homosexuality in the military. This action was ill-advised, and the next Congress and President should reverse it and reinstate the previous law. Although the 2010 bill repealed a provision that was enacted in 1993, the U.S. military has actually forbidden homosexual conduct in the ranks continuously since 1775. The repeal was a serious error and left a host of issues unaddressed. Among these concerns are privacy issues, religious liberty of those in the service who have moral objections to homosexual practice, and the safety of the blood supply for combat troops.

To put people with sexual attractions to one another into conditions of forced intimacy — sharing bathrooms, showers and sleeping quarters — runs the risk of increasing sexual tension, harassment and even assault. These are clear threats to good order, morale and unit cohesion. For this common-sense reason, we do not force women to be housed with men—yet there would be no way to separate homosexuals from the same-sex objects of their attentions.

Until it acts to reinstate the ban on homosexuality in the ranks, Congress must provide full protection from sexual harassment for all military members, including heterosexual persons. Congress should also resist any effort to repeal Article 125 of the Uniform Code of Military Justice (UCMJ) (which prohibits both homosexual and heterosexual sodomy), and the military should continue to enforce it. This is necessary to protect the blood supply for combat-bound soldiers.

Men who have sex with men are 8,000 times more likely, according to the American Red Cross, to carry the HIV/AIDS virus than are regular blood donors. Our troops rely on the blood of their fellow warriors when wounded. They need and deserve the protection the UCMJ provides. This is as important for unit cohesion and safety as, for example, banning smoking in the warship’s paint locker.

Our all-volunteer military must not become a politically correct zone. Many active duty personnel hold deep-seated convictions against homosexual conduct. Provided there is no harassment or violence, military personnel—including chaplains, but not limited to chaplains—must retain their right to express disapproval of homosexual conduct. Congress must guarantee all volunteers in our military protection against retaliation for their beliefs and it must uphold their right to express their convictions.

Much military recruiting involves the use of either explicit or implicit quotas, both to obtain individuals with certain skills and to insure diversity within the ranks. However, sexual conduct should never become the basis for setting recruiting goals, and Congress should permanently bar military recruitment of homosexuals by quota.

What You Can Do

• Contact your Senators and Representative to urge them to prohibit the Department of Defense personnel from officiating at “same-sex marriages” and to bar the use of military facilities for such ceremonies.
Under the current Administration, conscience protections for health care providers and organizations are being undermined. First, passage of the Patient Protection and Affordable Care Act (PPACA), on March 21, 2010, popularly known as “ObamaCare,” ushered in numerous concerns about state power over the provision of health care, including the individual mandate, mandates on employers and insurance companies, as well as concerns to supporters of the sanctity of life from conception onward, such as direct federal funding of abortion and discrimination against pro-life health care providers.7

In passing PPACA with abortion funding, Congress included a narrow nondiscrimination provision only preventing health “plans” in the state mandated exchanges from discriminating against “providers” or “facilities” unwilling to participate in abortion. However, PPACA does not prevent the Federal government or state and local governments receiving federal funds from such discrimination. Current laws that prevent government discrimination may be undermined by PPACA’s new abortion funding and subsidies.

PPACA also contains a mandate for all insurers to cover preventive care services pending recommendations by the Institutes of Medicine. These recommendations almost certainly will include mandated coverage of contraception, which some health care providers find morally objectionable. Such a mandate would undermine the minimal current protections in law for health care providers who object to any service, including contraceptives, in specific federally funded health programs. Insurers who object to covering contraception would have to cover these. Providers and pharmacists who object to dispensing contraceptives could be removed from insurance networks which comply with the new mandate.

Further exacerbating conscience concerns, on February 18, 2011 the Obama Administration issued a revised conscience regulation which weakened the regulations implemented in 2008 to provide greater enforcement of three conscience laws passed over the last 35 years. The new regulations eliminated key provisions necessary for the protection of the consciences of health care personnel and entities which object to participating in abortion by removing the requirement that federally funded entities certify compliance with conscience laws. The new regulation also eliminated definitions that ensured the conscience protections broadly interpreted the term “assisting in the performance” when it comes to participating in abortion.

For example, an emergency room physician in the state of Georgia was fired after refusing to prescribe an abortifacient to an adolescent.8 A pharmacist had to leave his state and community pharmacy practice after refusing to dispense “emergency” contraception (which can act as an abortifacient.)9 Students applying for nursing school at Vanderbilt University were initially required to certify that they would participate in abortion until the policy was changed after the news became public.10 For more examples of discrimination in healthcare please see the following website: http://www.freedom2care.org/docLib/20100920_Reallifetories.pdf.

What You Can Do

• Federal and state laws should, at a minimum, protect from government discrimination health care providers and organizations that reject participation in abortion or abortifacient drugs, sterilization, embryo-destroying research or treatments, euthanasia, and other health care practices.

• Professional licensing bodies, especially those given government support or endorsement, should be prevented from enacting rules that violate the consciences of members or potential members of health care professions (e.g., those requiring that obstetrician-gynecologists agree to perform or refer for abortions or those requiring that medical students train to perform abortions.)

• 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.
Legislation We Endorse

• U.S. Rep. John Fleming, M.D. (R-LA) introduced the “Abortion Non-Discrimination Act” (H.R. 361) to prevent government discrimination in federally funded health programs, including PPACA.

• U.S. Reps. Chris Smith (R-NJ) and Dan Lipinski’s (D-IL) “No Taxpayer Funding for Abortion Act” (H.R. 3), as well as U.S. Rep. Joe Pitt’s (R-PA) “Protect Life Act” (H.R. 358) which provide conscience protections against government discrimination on abortion.

• U.S. Reps. Jeff Fortenberry’s (R-TX) and Dan Boren’s (D-OK) “Respect for Rights of Conscience Act of 2011” (H.R. 1179) to provide conscience protections for individuals and entities that object to providing services beyond abortion, such as contraception, sterilization or questionable end-of-life care.
RELIGIOUS LIBERTY

Protect religious freedom in the public square – Ken Klukowski

The First Amendment’s Religion Clauses suffer from a misinterpretation that renders them ineffective for protecting religious liberty; instead, their misuse has led to a stifling of religious practice and expression. Consequently, the Family Research Council’s efforts to advance religious liberty largely are focused on research and support to restore a correct interpretation of the Constitution in our federal courts.

The two Religion Clauses are the Establishment Clause and Free Exercise Clause. The Establishment Clause guarantees that the government shall not create an official religion to which citizens must subscribe. The Free Exercise Clause guarantees that government will not stop peaceful believers from freely living out their faith in worship or daily practice.

To strengthen the historic meaning of the Religion Clauses, FRC provides detailed scholarly research published in law reviews and strong amicus briefs making scholarly arguments filed in important lawsuits. We also highlight the rights of believers to express their faith in their local schools and communities by writing on these issues and debating secularists on television and radio. For a complete list of FRC amicus brief filings since January 2009, go to www.frc.org/amicus-briefs.

There are various matters in the courts where FRC is heavily involved.

• We help defend the National Day of Prayer.

• We educate the public on threats to religious practice in adhering to biblical teaching on marriage and life.

Currently, our most important effort involves a case we hope to see argued before the Supreme Court in 2012: Davenport v. American Atheists.

In 2010, the Tenth Circuit federal appeals court ordered roadside crosses commemorating fallen state troopers removed, holding that any stand-alone cross on public land is an unconstitutional endorsement of Christianity.

This decision applies the “endorsement test,” a misunderstanding of the Establishment Clause adopted by the Supreme Court in 1989. It says the Establishment Clause is violated whenever a government action involving religion gives the appearance of an endorsement of religion.

Instead, the Establishment Clause prevents the government from directly establishing a specific state religion, or from coercing any citizen to materially support or participate in religious activity. FRC labors to restore this correct understanding of the Constitution, and is coordinating a nationwide effort to persuade the Court in Davenport.

Many of the moral controversies over abortion, marriage, and parental rights stem from religious liberty being eroded. Religious liberty is about public policy accommodating the beliefs of the American people, instead of separating them from the public square.

What You Can Do

• Support the appointment of originalist judges: While legislation and regulations involving religious liberty are important, such efforts cannot survive court challenges until we restore a right judicial understanding of the Religion Clauses. Our Founding Fathers guaranteed religious liberty in the Bill of Rights. Therefore the most meaningful step for the next president and Congress is to appoint judges who adhere to the Constitution’s original meaning.

• Prevent Application of Foreign or Sharia Law in Any Legal Forum: FRC supports efforts to prevent any foreign law or Islamic Sharia law from having legal standing in any American court, whether local, state or federal.
Endnotes


4 Robert D. Reischauer, Director, Congressional Budget Office, Letter to the Congressman Vic Fazio (D-Ca) (July 19, 1993).


6 A Quinnipiac University poll from January 2010 found that 67% of Americans opposed funding abortion. A CNN poll from April 11, 2011 found that 61% of Americans oppose using public funds for abortion.

7 For a chart of details of the various abortion funding provisions in PPACA, see http://downloads.fcaction.org/EF/EF10C08.pdf.


What the Founders Really Did on Religious Liberty: “Deeds not Words”

by Robert G. Morrison

The Founders of our country considered religious liberty our “first freedom.” In their view, it was the bedrock upon which all other freedoms rest. In his farewell address, George Washington said, “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.” It is an important exercise to learn from the founders of our country what true religious liberty is.