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**“ We can turn on a dime
and race to wherever the fight is
at any given moment. ”**

**APRIL/MAY 2018
UPDATE LETTER**

DEAR FRIENDS,

“Bill Clinton’s people are breaking arms in there, Jerry. You need to do something!”

That’s what Representative Jack McCoy said as he stepped out of the House Chamber to give me an update on our effort to stop State Health Director Dr. Joycelyn Elders from including contraceptive funding for school-based health clinics in her budget. It was the spring of 1991 and we were locked in a bitter fight that went on into the night on the final day of the legislative session. Governor Bill Clinton had dispatched eleven members of his staff to “break arms” and push the funding through the Arkansas House. Lawmakers had been at odds with Dr. Elders ever since Gov. Clinton appointed her to lead the Health Department. The fight was part of a much larger debate about abstinence-based education, parental rights, and abortion counseling in public schools.

On the final day, the budget was amended more times than I can count. The Senate would put contraceptive funding in the budget and the House would remove it. It was like chasing the ball in a tennis match. We made so many trips back and forth between the House and Senate. It went on all day and into the night. Sensing Gov. Clinton and his “goons,” as we called them back then, were about to prevail, a couple of House members and I hastily drafted an amendment saying no state funds could be used for contraceptives in schools.

When the amended budget came to the floor of the House, I was the only person in the east gallery of the chamber. It was late. Some House members hadn’t had anything to eat. Others had had too much to drink. Just as the vote seemed in doubt, House Speaker John Lipton looked up in dismay at me in the gallery. I gave him a thumbs-up. Suddenly he blurted over the House PA, “The man up there says it’s OK to vote for this.” It seemed every eye in the chamber turned up at me. I never intended to be the center of attention, and I certainly never intended to give signals to lawmakers from the gallery. In fact if any member of our current staff did something like that, I’d give them a stern talking to. But it happened to me. As soon as the amended budget passed, legendary State Representative Jodie Mahony stormed into the hallway saying, “We don’t need preachers out here telling us how to vote.” But the fight was over and almost everyone thought we had won. There were no cell phones back then, and it was unusual for me to work so late. My wife, Doris, and our boys had no idea why I wasn’t home—until they saw me on the 10 o’clock news opposite a dejected-looking Dr. Elders.

In the days to follow, Dr. Elders and the Clinton Administration announced a new plan: They would use federal dollars instead of state funds to maintain their partnership with Planned Parenthood and funding for their “safe-sex” effort in public schools. We immediately filed a lawsuit that took over a year to settle. We lost, but Dr. Elders and the Health Department’s school contraceptive effort never recovered from the bad publicity they brought on themselves. Everywhere they tried to set up a clinic with contraceptives they met opposition from parents, school board members, pastors, and others. In 1993 we secured passage of a law that pretty-much drove a stake through the heart of the school contraceptive effort.

A lot of people today would be surprised to know Family Council ever was involved in a debate over school-based health clinics. They don’t know we supported abstinence-based sex education or opposed letting school employees hand out contraceptives to kids. However, between 1991 and 1999 we routinely addressed those issues. Family Council always has been a multi-issue organization. We can turn on a dime and race to wherever the fight is at any given moment. That’s part of what’s made us effective over the years. And now let me tell you about some of the issues we’ve been working on—and about what we plan to do in the months to come.

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Family Council
President Jerry Cox

MY THOUGHTS: BEING A MULTI-ISSUE ORGANIZATION

“What is the mission of Family Council?” That’s a question someone asked me the other day. Family Council’s mission is to promote, protect, and strengthen traditional family values. We apply timeless biblical principles to the social and moral issues of our day. Those issues have changed a lot over the years.

In the early 1990’s we opposed the Outcomes Based Education program that would have lowered education standards and exposed public school students to liberal ideologies. We also promoted abstinence-based sex education. In the late 1990’s we supported efforts to lower our state’s alarming divorce rate, and we championed bills defining marriage as the union of one man and one woman. We defeated legislation making it easier to withhold food or water from nursing home residents, and in 2003 we blocked attempts to shield nursing homes from negligence lawsuits. In 2008 we worked with then-Attorney General Dustin McDaniel—a Democrat—to drive payday lenders out of Arkansas, because their usurious loans hurt senior citizens and single moms. We’ve always been anti-abortion, but for years our legislature was so liberal that it was nearly impossible to pass much pro-life legislation. Since 2010, we have spent a lot of time fighting abortion, because it’s finally possible to make headway on that front.

In recent years a few politicians have accused Family Council of stepping outside its mission—especially on issues like Common Core education or nursing home abuse. A lot of folks assume we’re just an anti-abortion organization. But if they had been around the capitol in 1993 or 2003, they would know we’re concerned about a lot more than just that. Family Council always has been a multi-issue organization, and we plan to keep it that way. Truth doesn’t change, but the issues we face certainly do.

A.G.’s From Out of State Try to Block Pro-Life Laws in Arkansas

In March, 16 state attorneys general filed an amicus brief against four of Arkansas’ pro-life laws currently before the Eighth Circuit Court of Appeals. These laws prohibit abortions where the baby is dismembered, increase the reporting requirements for abortions performed on underage girls, prohibit abortions performed due to the baby’s sex, and require aborted babies to be buried or cremated. However, state A.G.’s from New York, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Oregon, Pennsylvania, Vermont, Virginia, Washington, and the District of Columbia are asking the Eighth Circuit to strike down our pro-life laws.

Frankly, I think these state attorneys general ought to mind their own business. Surely they have other things they could be working on. I also don’t know of any attorney general in America who is doing more to fight for the right to life in court than Arkansas Attorney General Leslie Rutledge. Her team won some major victories last year, and I believe we will see others in 2018—possibly even at the U.S. Supreme Court.

Attorney General Leslie Rutledge (right) and her team are doing more to defend human life in court than any state attorney general’s office I know.

Your Prayers are Greasing the Wheels for Pregnancy Center Funding!

In January I told you about our plan to make federal funding available for pregnancy resource centers. In other states, pregnancy centers receive grants to assist pregnant women and promote alternatives to abortion. We want to start a similar program in Arkansas. In March I asked you to pray that state bureaucracy would move a little more quickly on this issue. Your prayers were heard! Within just a few days of mailing that letter, I met with state officials. They’re now moving with all deliberate speed to make the funding available! There’s still a lot of planning and paperwork left, but we’re several steps closer to giving grants to pregnancy resource centers. Please continue to keep this work in your prayers!



The Third Leg of Bad Nursing Home Tort Reform

In 2003 the Arkansas Legislature passed a reasonable, general tort reform law. Family Council took no position on the effort, because our involvement was not necessary. After that law passed, the nursing home industry stepped forward with a team of lobbyists and legislative supporters to offer their own tort reform measure that would give nursing homes special protections against lawsuits brought on behalf of abused or neglected residents.

Family Council Staff Attorney Martha Adcock concluded the 2003 nursing home tort reform law would have put residents of a nursing homes at such a disadvantage that an inmate in a state prison would have more rights to sue than a person in a privately-owned nursing home. That's when Family Council went to battle for "the least of these." As a pro-life organization, it was clear to us that anything that devalued human life—be it ever so old and fragile—was an affront to our stand as a pro-life organization. For us, being pro-life has never been just about saving the unborn; it has always been about respecting the sanctity of innocent human life from conception until natural death. That is especially true when it comes to the elderly who cannot speak for themselves.

That bad bill in 2003 had three legs. First, it limited non-economic damages in lawsuits to no more than \$250,000.

Second, it said past instances of abuse or neglect and other evidence could not be considered in nursing home abuse lawsuits. Third, it replaced jury trials with a complicated arbitration system. We fought that bad law, and the legislature agreed with us, refusing to pass the nursing home's version of tort reform in 2003.

Fifteen years later, we're fighting the very same three-front battle against some of the same nursing home owners. Anyone who follows this closely knows that nursing homes have the first two legs of their 2003 plan in Issue 1, a ballot measure referred for a vote this November by the legislature. Our opposition to Issue 1 has been very clear.

During the special legislative session in March, a bill to enact the third leg of the nursing homes' tort reform was attempted. It was a bill letting the drafters of contracts bury in the fine print an agreement that the signer of the contract would waive their right to a jury trial. There it was! The third leg of the terrible nursing home tort reform bill from 2003. All the nursing home owners would have to do is bury that language in the contract, and no one would know it until they needed to sue in cases of abuse or neglect. By then it would be too late.

The bill was filed on a Tuesday morning. A little over an hour later it was debated in the House Judiciary Committee. My staff and I raced to the Capitol, and I spoke against it. Thanks to opposition led by Rep. Doug House (R – North Little Rock), the bill was narrowly defeated on a voice

vote in the committee. This led to the bill being amended and passed without the nursing home provisions in it. But backers of this effort have vowed to come back and try again. Why? Because wealthy nursing home owners and others want to make more money. Pardon my sarcasm, but those pesky lawsuits on behalf of old people that they have abused or neglected just get in the way of business.

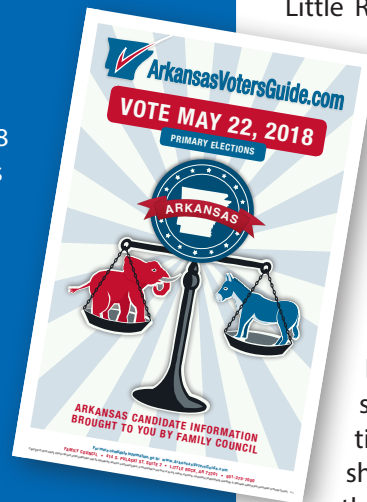
For them, the solution is not to offer better care so there are no grounds for a lawsuit. Their solution is to reduce care, neglect their residents, and shield themselves from accountability by blocking the basic Seventh Amendment right to a jury trial.

Our opposition to this kind of bad tort reform has upset some of our Republican friends. Some don't seem to understand that there's good tort reform and there's bad tort reform. Issue 1 and this latest attempt in the legislature are bad tort reform, because they put a dollar value on human life, they take away the Seventh Amendment right to a jury trial, and they create an environment in which nursing homes can cut costs, compromise care, and make more money without being sued when they cause an injury or death.

THE 2018 ARKANSAS VOTER'S GUIDE IS HERE!

Enclosed is your free copy of the 2018 Arkansas Voter's Guide. I hope it helps you cast an informed vote when you head to the polls for the primary election on Tuesday, May 22. Former Treasury Secretary William E. Simon is crediting with saying that bad politicians are sent to Washington by good people who don't vote. I would add that bad politicians also are sent to Washington by good people who don't vote wisely. Showing up to vote isn't enough. We need to know who our candidates are and where they stand on the issues that matter. That's why Family Council publishes the Arkansas Voter's Guide in print and online at ArkansasVotersGuide.com. We hope it helps Arkansans vote wisely on Election Day.

Take Action: To request additional copies of the voter's guide free of charge for your family or church, fill out the enclosed form or call our office at (501) 375-7000.



Keeping Indian Casinos Out of Arkansas

The group Driving Arkansas Forward has partnered with the Quapaw Indian Tribe in Oklahoma to bring casino gambling to Arkansas. They've submitted ballot proposals for casinos in Jefferson, Garland, Pope, and Crittenden counties. Fortunately, Attorney General Leslie Rutledge has blocked their proposals. The Quapaw Tribe's chief has said he wants to put a casino in Pine Bluff. Meanwhile the group Arkansas Wins

in 2018 also plans to circulate petitions to build casinos. The Cherokee Nation in Oklahoma gave Arkansas Wins \$6 million in 2016 to fund a casino proposal that ultimately was removed from the ballot at the last minute. Businessmen from out of state want to grow their casino businesses, and Arkansas seems to be in the crosshairs. Family Council will oppose any effort to expand casino gambling in Arkansas.

Family Council Action Committee Opposes Issue 1

In March Family Council Action Committee held a press conference formally announcing its opposition to Issue 1, a proposed state constitutional amendment that would cap noneconomic damages in lawsuits at \$500,000 for an injury or death. This is an issue Family Council has worked on for 15 years. We do not oppose medical malpractice reforms that protect good doctors from frivolous lawsuits, but we are deeply concerned about proposals like Issue 1 that affect cases where people are seriously injured or killed by negligence. What about a four-year-old girl who dies because her preschool left her locked inside a school van on a hot summer day? Is \$500,000 all her life is worth? And what about the stay-at-home mom who is killed in a

wreck because a car manufacturer knowingly installed defective tires on her minivan? Is \$500,000 all that manu-

We do not oppose medical malpractice reforms that protect good doctors from frivolous lawsuits, but we have serious concerns about proposals like Issue 1.

facturer should be penalized for causing her death? These are the sorts of questions Issue 1 raises, and it's the reason I say Issue 1 puts a price tag on human life.

WE NEED YOUR HELP

We plan to distribute more than 200,000 copies of the Arkansas Voter's Guide between now and November. The voter's guide is one of the best ways to tell people where candidates stand on the issues that matter to them. That's why we need to get it into the hands of as many churches and families as we possibly can. You can help do that by making a generous, tax-deductible donation to Family Council. If you are able, please send your gift using the enclosed response card and return envelope today. If you need additional copies of the Arkansas Voter's Guide for your family or church, fill out the enclosed form or call our office at (501) 375-7000. Please also continue to pray for us and our work. **Thank you for standing with us. Please let us know if there is ever anything my staff or I can do for you.**

Sincerely,



Jerry Cox, President

Thank you!!

P.S. Enclosed is your 2018 Arkansas Voter's Guide. In March we helped defeat legislation that would have made it possible for you to unknowingly waive your right to a jury trial. We're also moving forward with plans to award grants to pregnancy resource centers using federal funds. We are hard at work promoting, protecting, and strengthening traditional family values in Arkansas. If you are able, I hope you will send a generous, tax-deductible donation today. Your generosity keeps us in the fight for traditional family values. Thank you for standing with us!

