



**FAMILY
COUNCIL**

inside:

—
**Why a Texas-Style
Pro-Life Law Might
Not Have the Same
Effect in Arkansas**

—
**National Group
Honors Family
Council With Policy
Ally of the Year
Award**

—
**Apple Faces Backlash
After Censoring
Bible App in China**

—
**What Happens If
the Supreme Court
Overturns Roe This
Summer?**

—
& MORE



**FEBRUARY 2022
UPDATE LETTER**

Dear Friends,

There's a Valentine's Day daffodil in our backyard.

I didn't plan it that way when I planted it 30 years ago, but, almost like clockwork, there's a daffodil in our backyard that is almost always blooming on Valentine's Day. Last year it bloomed just before the record February snowstorm. When the snow melted over a week later, there it was, still blooming—just barely.

My wife, Doris, can see it from the kitchen window. We watch for it to bloom every spring. She calls it her Valentine's daffodil. Just the same, I've not tried to skip giving her the customary bouquet of fresh flowers.

For as long as I can remember, daffodils, buttercups, flags, jonquils, narcissus, or whatever you call them have been a sure sign that spring is on its way.

The house where we lived in Sevier County when I was a boy was built in the 1870s, and I guess the daffodils—my mother called them flags or buttercups—lining each side of a walkway up to the front steps and the daffodils in the backyard had been there for decades. We still own the land, so about 30 years ago I went back there and dug up some of the bulbs and moved them to our backyard in Little Rock where their descendants still bloom.

Every time I drive the backroads in spring and see daffodils blooming in the woods, I wonder who lived there. Someone said that daffodils are the last residents of an old home place. When the sounds of home fall silent and the buildings are all gone, the daffodils push through the cold ground and bloom every spring as if nothing has changed. They are timeless and beautifully simple.

When those daffodils were planted at my boyhood home over a hundred years ago, the world was a lot different, but they have remained exactly the same. In that way, they remind me of God's Word. It is simple, timeless, beautiful, and always true.

When Doris and I move on, maybe someone else will get to enjoy our Valentine's Day daffodil. They won't know where it came from or who planted it, but they will be blessed by its simple, timeless beauty.

In the same way, I want others to be blessed by the work we're doing at Family Council. As we take a stand for biblical truth, we're planting seeds in the hearts and minds of people all over Arkansas. Every time we pass a good law, defeat a bad one, speak truth in media interviews, or stand before a congregation, it's like we're planting lots of daffodil bulbs in the ground. By God's grace, I pray that they will take root and blossom over and over again long after we're all gone.

So this spring, consider the daffodil—and consider the work of Family Council like a daffodil that stands for the same truth year after year and does not quit, so that generations yet unborn can be blessed.

**As we take
a stand for biblical
truth, we're
planting seeds
in the hearts and
minds of people
all over Arkansas.**



Family Council
President Jerry Cox

MY THOUGHTS: WHY A TEXAS-STYLE PRO-LIFE LAW MIGHT NOT HAVE THE SAME EFFECT IN ARKANSAS

The U.S. Supreme Court's Decision to Allow a Pre-Enforcement Challenge Against the Texas Heartbeat Law Means Courts Might Not Enforce It In Arkansas

The U.S. Supreme Court's recent handling of Texas' pro-life "heartbeat" law calls into question whether or not a similar pro-life law would be enforceable in Arkansas.

Last year Texas passed a law generally prohibiting abortion after an unborn baby's heartbeat is detected. Instead of creating criminal penalties for abortion, Texas' law lets anyone file a lawsuit against a person who violates the state's heartbeat law. If an abortionist breaks the law, a person could sue the abortionist for \$10,000. Since September, the law has generally stopped

abortion in Texas. That is part of the reason why last December several Arkansas lawmakers unsuccessfully attempted to pass a Texas-style pro-life measure during a special session of the General Assembly.

The day after the General Assembly went home from that special session, the U.S. Supreme Court ruled that the Texas pro-life law could remain in effect in Texas, but left the door open for other legal challenges against the law. Because of that ruling, many people—my staff and I included—at first thought that meant a Texas-style pro-life law could stop abortion if passed in Arkansas. But now we're beginning to see that courts might not enforce the law in Arkansas the way they have in Texas. Here's why not.

When the U.S. Supreme Court let the Texas law stand, the court also allowed a type of lawsuit called a pre-enforcement challenge to continue against the Texas law. Pre-enforcement challenges are a way for people to challenge a law in court even if the law isn't being enforced against them. It's one of the ways the ACLU and Planned Parenthood challenge Arkansas' pro-life laws in federal court—often even before a law officially takes effect. Because of the U.S. Supreme Court's handling of the Texas law, if Arkansas passed a similar pro-life law today, the ACLU and Planned Parenthood could file a pre-enforcement legal challenge against the law before it could take effect. The lawsuit probably would go to U.S. District Judge Kristine Baker in Little Rock. Because of this, Judge Baker would be free to consider the pre-enforcement challenge and block the law in Arkansas. The Eighth Circuit might eventually unblock the law, but that appeal process would take Arkansas' attorney general several months or longer.

Most legal experts I have spoken with believe the courts will eventually strike down the Texas law, not based on its effect on abortion, but based on its enforcement mechanism that gives anyone in America standing to sue any Texan who performs or is involved in the performance of an abortion. So does that mean Arkansas shouldn't pass a Texas-style pro-life law? Not necessarily. It just means Arkansas isn't guaranteed the same outcome as Texas. Federal courts in Texas are letting the state enforce the heartbeat law right now, but federal courts in Arkansas might not.

In June, the U.S. Supreme Court is scheduled to issue its abortion decision in the *Dobbs* case from Mississippi. Many legal experts I have spoken with believe the court may overturn *Roe v. Wade*. If that happens, a Texas-type abortion bill won't be necessary in Arkansas. Each state would be able to make its own abortion laws. Sen. Jason Rapert and Rep. Mary Bentley, in 2021, passed a ban on abortions in Arkansas except to save the life of the mother. If *Roe v. Wade* is reversed, almost all abortions will be illegal in Arkansas under that law.

National Group Honors Family Council With Policy Ally of the Year Award

At the end of 2021 our friends at Alliance Defending Freedom in Virginia honored Family Council as a Policy Ally of the Year. Family Council was one of two state policy organizations that received this award from ADF—the other being our friends at

Montana Family Foundation. Michael Farris, President and CEO of Alliance Defending Freedom, presented Family Council President Jerry Cox with the Policy Ally of the Year Award at a special dinner in Leesburg, Virginia, with more than a hundred conservative leaders from across the country in attendance.

It is deeply humbling that ADF decided to recognize Family Council with this award—especially in light of the fact that so many state policy organizations did incredible work last year.

(continued on following page)

Left: Alliance Defending Freedom President and CEO Michael Farris (right) presented Family Council President Jerry Cox (left) with the 2021 Policy Ally of the Year Award at a special dinner for conservative leaders in December.



National Group Honors Family Council With Policy Ally of the Year Award *(continued)*

People sometimes ask how Family Council develops its public policy positions. Our organization has an advisory board, and after 32 years of work in Arkansas we have a long track record of working on many different issues. However, we also work closely with counterparts who do work similar to ours in other states, and we rely heavily on advice from national leaders like Alliance Defending Freedom. They monitor issues across the country, and they offer valuable insight into legislative battles

that are looming just over the horizon. They also have teams of attorneys who develop model legislation that we can take to the legislature, and they are ready to defend conservatives in court. Organizations like Alliance Defending Freedom help us stay a step ahead in the fight to defend traditional family values in Arkansas. That is why we are grateful for the opportunity to work with them—and why we are honored that Alliance Defending Freedom chose to recognize our hard work last year.

Apple Faces Backlash After Censoring Bible App in China

In October tech giant Apple quietly removed smart phone apps for the Bible and Quran from its digital app store in China. The BBC and *Business Insider* both reported that officials from the Chinese Communist Party deemed that the apps violated the country's laws against illegal religious texts. Apple defended the decision to remove the apps from its store, citing the company's human rights policy that requires Apple to comply with local laws. In other words, Apple felt it had no choice but to remove the apps at the request of Chinese officials.

According to *Business Insider*, one of the apps reportedly removed was Olive Tree's Bible app. A spokesperson for Olive Tree Bible Software told the BBC and the Associated Press that Apple's App Store review process found Olive Tree could not distribute an app with book or magazine content—in this case, the Bible—in China without a government permit. These government permit requirements appear to be a censorship tool.

After news broke that Apple allegedly was eliminating religious texts at the request of China's communist government, a group of shareholders who invest in Apple took action. Shareholders reportedly filed proposals requesting that Apple

prepare reports on the censorship allegations as well as allegations that Apple products are manufactured with forced labor in China. According to the BBC, China is one of Apple's largest markets, and Apple relies very heavily on Chinese manufacturing. Apple asked the Securities Exchange Commission to block the shareholders' petitions, but the SEC denied Apple's request in December. That means that at its annual shareholders meeting in March, Apple will have to explain these allegations—and what the tech company is doing in response—to its investors.

All of this underscores two things. First, that tech companies like Apple have tremendous power. With the push of a button, Apple or Google could stop millions of people from downloading God's Word on their smartphones. That's tremendous leverage. And second, these companies have very little accountability or oversight. Apple will have to give an account at its shareholders meeting—but there's no telling what results that will yield, and most of us probably do not own enough stock in Apple to initiate a shareholder proposal. If companies continue operating like this, we're going to have to think of ways to stop them from harming other people—such as our brothers and sisters in Christ.

Policy Points: What Happens If the Supreme Court Overturns *Roe* This Summer?

By David Cox, Assistant Director

The U.S. Supreme Court could overturn *Roe v. Wade* this summer when it issues its decision in the *Dobbs v. Jackson Women's Health* case. Many Americans have questions about what that would do. Would it make abortion illegal nationwide? Would abortion be legal in some states and illegal in others? What about all of the other abortion decisions that courts have issued over the years? Here's the bottom line: When *Roe v. Wade* disappears, states will be able to make their own abortion laws. States like California will be free to legalize abortion. States like Arkansas will be free to prohibit abortion.

Before 1973 states made their own abortion laws. Some had very liberal laws that allowed abortion for any reason. Most states had very conservative laws that prohibited abortion or restricted it to a handful of circumstances—such as to save the life of the mother. On January 22, 1973, the U.S. Supreme Court overruled every one of those laws with its *Roe v. Wade* abortion decision. The court's decision made it very difficult for states to restrict abortion. Fortunately, the Supreme Court has issued rulings since then that have made it easier for states like Arkansas to pass pro-life legislation. But when it's all said and done, overturning *Roe v. Wade* wouldn't make abortion illegal nationwide. It would simply put things back the way they were before January of 1973, with states free to make whatever laws they wanted concerning abortion. That would be a huge step forward.



Atheist Group Chides Governor Hutchinson for Sharing Scripture

In January the atheist group Americans United for Separation of Church and State sent a letter to Arkansas Governor Asa Hutchinson about his habit of posting Bible verses on his official Facebook page every Sunday. The group posted a soundbite on social media, saying, "Freedom of religion is freedom WITHOUT Favor. Our government represents ALL citizens, regardless of faith or belief"

Reading between the lines, it sounds like Americans United for Separation of Church and State believes that posting an encouraging Bible verse on Facebook runs afoul of the First Amendment. The Freedom From Religion Foundation sent a letter to Governor Hutchinson in 2017 making a similar complaint. Of course, Governor Hutchinson has kept posting Bible verses online every week despite the Freedom From Religion Foundation's complaint, and I suspect he will disregard this complaint from Americans United for Separation of Church and State as well.

The First Amendment says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press." Even though he is an elected official, Governor Hutchinson has First Amendment freedoms just like any other Arkansan. He is free to practice his faith, talk about his faith, and share his faith. He can say or write what he wants. It's ridiculous to suggest that Governor Hutchinson somehow violates the U.S. Constitution when he shares scripture with people on social media.

By most accounts, the Bible is the single most widely-read book in the history of human civilization, and public speakers, writers, and leaders have quoted it routinely for centuries. The President of the United States typically takes the Oath of Office on a Bible. Elected officials often share well-known, popular, or inspirational quotes via their official social media accounts. In light of that, shouldn't a governor be able to post a Bible verse on Facebook?

The Fight Over Online Internet Gambling in Arkansas

On December 30 the Arkansas Racing Commission, voted to approve online sports betting. Under the rules that the commission approved, gamblers would be able to bet on sporting events online via the casinos in the state. Wagers could be placed online via a computer, smart phone, or other mobile device from anywhere in Arkansas. As of the beginning of the year, the proposed rules are slated to go to the Arkansas Legislature's Legislative Council Committee for final approval the last week of January.

Voters passed Amendment 100 to the Arkansas Constitution in 2018. It authorizes casino gambling—including sports betting—at four casinos in Arkansas; currently three casinos operate in the state, with a fourth casino proposed in Russellville. Sports betting has been big business since its inception in Arkansas, and unfortunately none of the casinos seem to be hard up for money. They're making plenty at the expense of gamblers.

Nevertheless, the gambling industry in Arkansas seems determined to offer wagers online as well as in-person at the casino. There's no denying that online sports betting is popular. It's impossible to watch a ballgame without being bombarded by ads for DraftKings and FanDuel. But that doesn't mean we should legalize sports betting in Arkansas.

It's impossible to monitor online gambling to be sure all state and federal laws are being followed. No matter how many safeguards and security features are in place, there's no way to guarantee that children won't gamble via these smart phone apps. In fact, if history is any indicator, we should assume that teenagers are tech savvy enough to figure out a way around whatever safeguards these gambling apps have.

When voters passed Amendment 100 in 2018, they were authorizing casino gambling at certain locations in Arkansas — not from anywhere in the state over the Internet. Online gambling isn't what voters had in mind when they approved the casino amendment three years ago.

People who gamble online face a serious risk of developing a gambling addiction, and some research indicates that people who engage in sports betting are twice as likely to suffer from gambling problems. Arkansas already has enough problems from gambling. Internet gambling would only make those problems worse.



Left: Gov. Hutchinson signs Arkansas' Religious Freedom Restoration Act in this file photo from 2015.



John Stonestreet directs the Colson Center for Christian Worldview in Colorado Springs, CO.

HONG KONG PARENTS STRUGGLE FOR THE HEARTS AND MINDS OF THEIR CHILDREN

By John Stonestreet, Radio Host and Director of the Colson Center for Christian Worldview

Parents, educators, the church, and the state all play essential roles within a society, but when the state goes bad, it can take down every other sphere with it. For example, according to a recent article in *The Economist*, “A struggle is underway for the hearts and minds of Hong Kong’s children.”

In August, the city’s pro-democracy teacher’s union disbanded, following a government crackdown that had called it “a malignant tumor.” Since then, the curriculum now “educates” children solely on the virtues of the Chinese Communist Party. Speaking out against these changes could lead to life in prison.

As a result, some parents have stopped talking about politics at home, fearing their young children will say the wrong thing at school. Others continue to teach their kids democratic ideas, at risk of government retaliation to themselves or relatives. As a result, tens of thousands of residents are leaving the city altogether.

It’s good that parents are aware enough to be concerned. Unfortunately, too many parents here fail to take seriously the ideas that threaten the hearts and minds in our schools.

Copyright 2022 by the Colson Center for Christian Worldview. Reprinted from *BreakPoint.org* with permission.

Arkansas Legislature to Convene on Valentine’s Day

The Arkansas Legislature will convene its fiscal session on Valentine’s Day. The session will last into March, and it will deal primarily with approving a budget for the 2022-2023 fiscal year; the state will start its new fiscal year on July 1, 2022.

Normally Family Council isn’t very involved in the fiscal session. We monitor the budget to make sure that the state isn’t spending tax dollars on anything bad—like giving money to abortion providers—and we support policies that provide tax relief to families. This year may be different.

This year we really want to see lawmakers approve a budget that will provide taxpayer funding to pregnancy resource centers. This is something that our team has worked toward since 2018. Many states earmark money in their budgets to provide alternatives to abortion. Oftentimes this funding comes directly from the federal government. The money can go to pregnancy resource centers that provide resources to women with unplanned pregnancies.

Pregnancy resource centers are on the front lines in the fight to provide women with options besides abortion. Many offer everything from adoption referrals to maternity clothes and diapers to ultrasounds, pregnancy tests, and counseling services—all free of charge. Funding from the state can help them provide even more services to women and families in their communities.

The U.S. Supreme Court is poised to overturn or significantly rewrite *Roe v. Wade* this summer. In Arkansas, that would

mean that abortion would be prohibited except to save the life of the mother. With *Roe v. Wade* out of the way, Arkansas needs to be prepared to help women with unplanned pregnancies. One excellent way to do that is by equipping pregnancy resource centers with the tools they need to serve women in Arkansas. That is something we want to accomplish in the coming weeks.

Take Action: Contact your state senator and state representative, and encourage them to support any effort to fund pregnancy resource centers in Arkansas during the legislature’s upcoming fiscal session.



Group Gets \$1.75 Million to Place Recreational Marijuana Measure on Ballot

In November the pro-marijuana group Responsible Growth Arkansas raised \$1.75 million toward its campaign to place a recreational marijuana measure on the ballot this November. Former Arkansas lawmaker Eddie Armstrong reportedly is leading that effort. According to the Arkansas Secretary of State, Responsible Growth Arkansas has to collect at least 89,151 valid petition signatures from registered voters by Friday, July 8, 2022, in order to place a recreational marijuana measure on the ballot.

Researchers have found time and again that marijuana is dangerous. Marijuana use is tied to psychosis, schizophrenia, depression, and suicide. A study published in the Canadian Medical Association Journal last year found adults under age 45 who frequently used marijuana were roughly twice as likely to suffer heart attack as adults who did not use marijuana. Last spring a study out of California found infants were 35% more likely to die within a year of

birth if their mother used marijuana heavily. A 2019 study by a branch of the National Institutes of Health noted that marijuana use is associated with higher rates of depression, anxiety, and suicide — particularly among adolescents. The list goes on and on. All of this underscores what we have said for years: Marijuana may be many things, but “harmless” simply is not one of them.



WE NEED YOUR HELP

If you haven't given to Family Council in a while—or if you have never given—now would be a great time to support our work, if you are able.

I never want anyone to feel pressured to give. I always want our donors to know that we work hard to stretch every dollar as far as we can to get the most good out of it. There aren't many places where you can turn a tax-deductible donation into laws passed and lives changed, but Family Council is one place where you can. Your generous financial support will help us support pro-life efforts, oppose gambling and marijuana, help home schoolers, defend religious liberty, and so much more.

Thank you for standing with us. **I cannot tell you enough how much it means to me that we have friends like you.** Please call me or my staff if there is ever anything we can do for you.

Sincerely,

Jerry Cox, President

Thank you!!

P.S. We are preparing for the upcoming fiscal session of the Arkansas Legislature. We are working hard to defend traditional family values in Arkansas. This could be a very significant year—especially when it comes to ending abortion. We have big plans to distribute tens of thousands of voter's guides across Arkansas ahead of the primary elections this spring. Your prayers and your faithful support make all of this work possible.



About Us: Family Council is a conservative, Christian non-profit organization based in Little Rock, Arkansas. Jerry Cox founded Family Council in 1989 in association with Dr. James Dobson and Focus on the Family. Our mission is to promote, protect, and strengthen traditional family values. We educate and equip families and churches to make Arkansas a better place to live, work, and raise a family, and we lobby lawmakers and elected officials on important issues that matter to families. Our work is funded by generous supporters all over Arkansas.
