



JUNE/JULY 2022 UPDATE LETTER

Dear Friends,

When I was a boy, telling me to set fire to something was an invitation to excitement. That's how it was when my mother told me to take the trash out and burn it. We lived so far from town a garbage truck never came near our house, so folks just burned their trash. But it never all burned completely up. There were always a few charred remains left behind and pretty soon all those charred remains would build up and have to be hauled to the dump. From trash heap to ash heap and on to the dump. No matter what, that garbage was finished.

"The trash heap of history." That may be where Roe v. Wade is headed soon.

A little before 9:00 p.m. on May 2, I received a text message saying that someone had leaked a draft of the U.S. Supreme Court's opinion in the *Dobbs* abortion case. The draft opinion showed that the court might be poised to overturn *Roe v. Wade*. Within the hour members of my team and I were assessing the situation and planning our next steps. Two facts about the situation were surprising.

The first was that someone close to the U.S. Supreme Court apparently had leaked the first draft of a landmark abortion decision. No matter what the court decided, we have known for months that the *Dobbs v. Jackson Women's Health Organization* decision would be the most important abortion ruling in the past 30 years. The case directly challenges *Roe v. Wade*, which means that the court has to deal with *Roe* somehow. Leaking a draft of the decision to the media is unthinkable. It's no different from someone at the White House or the Pentagon leaking confidential documents to the press. It's a serious security breach.

The second fact that was surprising was how thoughtfully the draft opinion decimated *Roe v. Wade* before relegating it to the trash heap of history. The draft opinion doesn't just say the court got *Roe* wrong. It's a full rebuke of *Roe* and the Supreme Court decisions that affirmed it. For example, the draft opinion says "*Roe* was egregiously wrong from the start." It calls the legal reasoning behind *Roe v. Wade* "exceptionally weak," and it points out that *Roe* has simply made the abortion debate more toxic over the past 49 years.

As of June 6, we don't know what the U.S. Supreme Court's official decision will say. Maybe the court will stick with the ruling found in the draft opinion. Maybe some of the justices will change their minds. By the time this letter reaches you, we may know more.

Right now I have a lot to tell you. Our world has been turned upside down since the leak of the draft opinion in the *Dobbs* case.

But we also just finished distributing approximately 37,400 voter's guides ahead of the May 24 primaries.

We had the privilege of honoring Arkansas' longest-married couple this spring.

We're also casting a vision and setting goals for the rest of this year and well into 2023.

There's so much to do. And now let me tell you a little more about what we've been doing—and how you can be part of it too.

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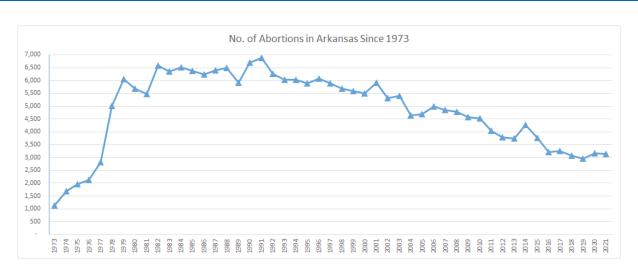
MY THOUGHTS: RESPONDING TO THE U.S. SUPREME COURT'S LEAKED DRAFT OPINION

On May 2, news outlets reported that a draft opinion in the *Dobbs v. Jackson Women's Health* abortion case had been leaked to the media. It appears that when the draft opinion was written in February, a majority of the Court's nine justices wanted to overturn the 1973 *Roe v. Wade* Supreme Court abortion decision. **As of early June, we are still waiting for the official decision in the** *Dobbs* **case.**

It's incredible to know that the U.S. Supreme Court may be planning to overturn *Roe v. Wade*. There are people who have dedicated their entire lives to doing exactly that. If the court reverses *Roe*, then thousands of unborn babies will be saved from abortion in Arkansas and elsewhere every year. That means one chapter in the pro-life fight would end, and another would begin.

Overturning *Roe v. Wade* would not automatically end abortion in America. It would let states and congress decide what abortion laws to enact. We are all blessed to live in the most pro-life state in the nation. Arkansans are pro-life, and our laws reflect that. If and when *Roe v. Wade* is overturned, there will be no safer place for women and their unborn children than in Arkansas. Act 180 of 2019 prohibits abortion in Arkansas, except to save the mother's life, if *Roe v. Wade* is reversed. Attorney General Rutledge has said that law would be enforced if the court overturns *Roe*. Women will be protected from the harm that abortion causes, and unborn children will get to live and grow up. That would be something to celebrate.

On a final note: If *Roe v. Wade* goes away, pro-abortion groups won't give up. I expect groups like Planned Parenthood, the ACLU, and those who profit financially from abortion will work to keep abortion legal in places like California, and they will work to make abortion legal in places like Arkansas. Think about how hard pro-lifers have worked against abortion since 1973. Pro-abortion groups are likely to work just as hard. Overturning *Roe v. Wade* would be a huge victory, but there still will be work to do.



Reports Show Abortion In Arkansas Near 45-Year Low

On June 2 the Arkansas Department of Health released its annual abortion reports for the state. The reports show there were 3,133 abortions in the state during 2021. That means abortion in Arkansas is near a 45-year low.

Altogether, the reports show:

- Abortion in Arkansas has declined drastically since 1991.
- Arkansas' abortion rate has been cut in half since 2001.
- Fewer women came to Arkansas from out of state for abortions last year than in 2020.

- Teen abortion in Arkansas has remained near an alltime low.
- Arkansas' informed-consent laws that help women understand alternatives to abortion saved approximately 700 unborn children in 2021.

All of this is great news. Arkansas is saving unborn children, protecting women, and ending abortion. These reports underscore that Arkansas is building a culture of life.



Most Abortions In Arkansas Performed on Single Moms and Black Women

Statistically, the two groups of women most at risk for abortion in Arkansas are Black women and single moms. Based on the Department of Health's 2021 reports, our team estimates that 58% - 68% of abortions in Arkansas were performed on single mothers last year. The reports also show that 56% of all abortions last year were on Black women. It's difficult to know for sure, but our team estimates that Black single mothers accounted for one-fifth to one-half of all abortions in Arkansas during 2021. Most abortion facilities target areas of high minorities and high poverty. We have to help these women if we want to end abortion. That is why it is so important that our legislators voted this year to appropriate one million dollars to help women with unplanned pregnancies. That money will support pregnancy centers and other organizations as they help single mothers and women with unplanned pregnancies to choose options besides abortion.

1.3 Million Arkansans Reside in a Pro-Life County

Family Council estimates that nearly half—approximately 43%—44%—of all Arkansans live in a county that has declared itself to be Pro-Life. The Arkansas Legislature overwhelmingly voted to enact Act 392 of 2021 by Rep. Kendon Underwood (R – Cave Springs) and Sen. Gary Stubblefield (R – Branch) last year. This good law affirms that cities and counties can declare that they are Pro-Life. Twenty counties have adopted pro-life resolutions. After reviewing population data for the State of Arkansas, Family Council estimates that more than 1.3 million Arkansans live in a Pro-Life County. That is fantastic news. It underscores what a pro-life state Arkansas is. We look forward to other cities and counties passing Pro-Life resolutions in the coming months.

Should Women Be Prosecuted for Having Illegal Abortions? Here's Why Not.

On May 12, National Right to Life and Arkansas Right to Life joined more than 70 state, national, and international prolife organizations in issuing an open letter to America's law-makers urging them not to impose criminal penalties on women who have abortions. As states enact more pro-life laws restricting abortion, lawmakers are facing questions about whether or not to prosecute a woman who breaks the law by having an abortion. Eventually, that question is bound to come up at the Capitol Building in Little Rock.

Here are four reasons why Arkansas law should not punish a woman who has an abortion.

#1. Women were not prosecuted for having illegal abortions before *Roe*. Before 1973, abortion generally was illegal in Arkansas. The Arkansas Legislature enacted the state's first laws against abortion around 1837. As far as our team can tell, from 1837 to 1973 Arkansas never prosecuted women for having illegal abortions. The abortionist could be prosecuted, but not the woman. The same was true in many other states that prohibited abortion prior to *Roe v. Wade*. Even though Arkansans recognized that abortion was wrong, they also recognized that there were serious problems with prosecuting a woman who has an abortion.

#2. Some women are coerced into having an abortion.

Over the decades, we have heard countless women say that they were pressured into having an abortion against their will. In some cases it was a parent who told them they had to have an abortion. In other cases it was an abusive boyfriend. Some pro-lifers have speculated that human traffickers may force their victims to have abortions if they become pregnant. It isn't right to prosecute a woman who may have been forced to have an abortion against her will.

#3. How will our state prosecute illegal abortionists if the women face prosecution too? If Roe v. Wade is overturned and abortion is prohibited in Arkansas, our authorities will need to be able to prosecute illegal abortionists in our state. In order to do that, they may need testimony from women who have gone to those abortionists for illegal abortion procedures. Will women come forward to testify against abortionists in court if they know that they can be prosecuted for having abortions? Prosecuting women as well as abortionists may make it harder to find illegal abortion facilities and hold abortionists accountable.

#4. We don't have to prosecute women to abolish abortion. We can shut down abortion facilities and prosecute abortionists without putting women in jail, too. Abortion facilities that violate pro-life laws should be shuttered, and abortionists who break the law should be penalized. If we do that, we can stop abortion in Arkansas. We don't have to prosecute women who have had abortions in order to end abortion.

Policy Points: What Can We Expect After Roe?

As Yogi Berra put it, "It's difficult to make predictions—especially about the future." As of this writing, the U.S. Supreme Court is poised to reverse *Roe v. Wade* and let states pass their own abortion laws. What should we expect if that happens? Below are a few expectations our team has after *Roe*.

Expect the State of Arkansas to Shut Down Abortion Facilities. Act 180 of 2019 prohibits abortion in Arkansas if the U.S. Supreme Court reverses *Roe v. Wade.* Attorney General Rutledge has said that her office will enforce Act 180 if the court overturns *Roe.* That means that if *Roe* is reversed, the State of Arkansas will move to stop abortions at Planned Parenthood and Little Rock Family Planning Services.

Expect Abortion Facilities in Arkansas to Push Back in State and Federal Court. Abortion's supporters have made it clear they aren't going down without a fight. Our team expects groups like the ACLU, Planned Parenthood, or others to sue to keep abortion facilities open in Arkansas. That could result in months of litigation.

Expect A Tidal Wave of Litigation From Pro-Abortion Groups Across The Nation. Our team has spoken with pro-life legal experts on the national level. They are devout Christians who want to end abortion. They fully expect what some are calling a "tidal wave" of lawsuits across America from pro-abortion groups if the U.S. Supreme Court overturns *Roe v. Wade*. The purpose of these lawsuits would be to try to get pro-abortion court rulings in state courts or in lower federal courts. Those rulings could make it more difficult to prohibit abortion even if the U.S. Supreme Court overturns *Roe v. Wade*.

Expect Planned Parenthood and Others Who Profit From Abortion to Work to Impact Government. If the U.S. Supreme Court overturns *Roe v. Wade*, the abortion debate will rest primarily with state legislators and with Congress. Groups that profit from abortion will lobby state and federal lawmakers to secure passage of pro-abortion legislation. In some states they probably will succeed. In other states—like Arkansas—they may settle for trying to weaken existing pro-life laws. Look for groups like Planned Parenthood Great Plains Votes to turn more attention toward lobbying and electioneering.

Obviously, overturning *Roe v. Wade* would be a huge victory that we would celebrate, but it is not the final word. We will have to enforce Arkansas' laws protecting women and unborn children from abortion. We will have to stay vigilant against pro-abortion efforts in Arkansas. We may have to go back to court to protect the right to life in our state. We will need to reduce the demand for abortion by supporting women and children in Arkansas. Pro-life work would not come to a halt in Arkansas if *Roe v. Wade* were overturned. It simply would enter a new phase.

Why Shouldn't Our Abortion Laws Make Exception for Rape or Incest?

In 2019 and 2021 there was a lot of discussion about putting exceptions for rape and incest in Arkansas' pro-life laws. Rape and incest are evil, and only about 2%–5% of all abortions are performed because of rape of incest. That makes it easy for some elected officials to justify abortion in these situations. But there are serious problems with permitting abortion in cases of rape or incest. Below are a few points to consider.

#1. Abortion Does Not Heal the Harm That Rape and Incest Cause. Abortion doesn't heal the wounds that rape or incest leave behind. Abortion takes the life of an unborn baby, and it carries serious risks for the woman. Abortion is not a quick fix. Its consequences are very serious.

#2. The Unborn Baby is Not at Fault. An unborn boy or girl has no control over how he or she was conceived. These are still living human beings. It is not right to kill an unborn baby because the baby's father was a rapist.

#3. Rapists Have No Legal Claim to Their Victims or Their Victims' Children. Under Arkansas law, a rapist has no

legal claim to his victim or the children of his victim. That means a woman or girl who becomes pregnant because of rape can keep the child or put the child up for adoption, but she does not have to consult the rapist or share custody with him. Arkansas law is very clear on that point. Additionally, state courts can take other appropriate action to protect victims of rape or incest.

#4. Abortion Helps Conceal Rape and Incest From Authorities. Sexual predators sometimes coerce their victims into having abortions to conceal rape or incest. In 2016 abortionist Ulrich Klopfer admitted to the Indiana Medical Licensing Board that he once performed an abortion on a 10-year-old girl from Illinois who had been raped by her uncle. Dr. Klopfer did not report the crime to law enforcement. He let the girl go home to her parents who knew about the rape and had decided not to prosecute. As far as we can tell, that girls' uncle was never brought to justice. Abortion helps conceal crimes like these.

The Abortion Trigger Ban and the IVF Industry

By Joe Kral, MA; President — Society of St. Sebastian

With the approach of the *Dobbs* decision looming, it has become increasingly likely that *Roe* will be relegated to the dustbin of horrible U.S. Supreme Court decisions that have been overturned. If this is the case, then, as a result, many states will begin enforcing their Abortion Trigger Bans which will prohibit the practice of abortion. But of late, it has become evident that in addition to the abortion industry being unsupportive of these laws, the in vitro fertilization (IVF) industry is also unsupportive of these pro-life laws.

Sadly, it is becoming more apparent that the IVF industry may be looking to change some states' Abortion Trigger Ban laws. In an article published on May 27, 2022, in The 19th, the author of the article states, "Jody Madeira, the co-director for the Center for Law, Society & Culture at Indiana University's law school and an expert on IVF and law, told The 19th that given the number of trigger laws already on the books, the instant criminalization of abortion that could go into effect in some states would mean that many of these states also immediately define life as beginning at fertilization."

What exactly does this mean for the IVF industry? Firstly, one must recognize that due to the high failure rate of IVF the industry creates numerous embryonic children to be implanted into a mother's womb. They may make upwards of 10 or more human embryonic children. Secondly, most of these children will not live to birth. Some will be genetically screened out because the IVF clinician does not believe they are genetically fit. Of course, this is a form of eugenics, but nonetheless, these embryonic children are given the tragic fate of death before they really had a chance to live. Some are cryogenically frozen to be, hopefully, implanted later. But even the thawing process can be deadly for these fragile human beings. As a result, many do not survive this process. In today's modern IVF clinic, only a few will be implanted with the hopes that one embryonic child will survive to birth. The brutal reality is, many of the embryonic children created will ultimately die.

Many IVF clinics are simply afraid of pro-life Abortion Trigger Bans, not so much that they ban abortion, but they would inhibit their protocols regarding nascent human life. Many IVF physicians are worried about how the term "abortion" is defined. Or even the term "embryo". The way these terms are defined may mean that they will not be able to destroy those embryonic children that they believe to be genetically inferior. But to be honest, the fact that the IVF industry engages in this practice, merely shows their belief in eugenics. Furthermore, it may mean that they will not be able to destroy those "extra" embryonic children that the parents no longer want. The fact may be that some Abortion Trigger Laws may have the positive unintended consequence of saving those embryonic children.

Some may ask, why is this a positive consequence? The answer is quite simple, especially if one identifies as pro-life. Life begins at conception. It does not begin when the embryonic child implants within the womb, nor does it begin at any other moment. It is at the moment of conception that a unique member of the species homo sapiens is brought into existence. This is not a theological or philosophical point of fact here, rather, it is pure biological fact. While philosophy and theology do use this fact to advance logical premises, being human starting at the moment of conception is a scientific reality.

Now given this reality, this certainly means that many prolife organizations will have to be very cognizant of any attempt to amend their Abortion Trigger Bans. While some states contend that their law does not affect IVF, that does not mean that the IVF public policy advocates think the same way. So, there could be movements within the various state legislatures to try and amend these laws. If this proves to be the case, then pro-life organizations will have to be diligent and will need to work to protect the law that is in place.

It is clear, that the pro-life movement is entering into a new era. In some states, the abortion issue may not be as prominent as it once had been. It is also becoming apparent that the IVF industry was never pro-life to begin with. Practicing eugenics, destroying embryonic children simply because they either did not meet up with expectation or their parents no longer wanted them. The simple fact is, they were never any better than the likes of Planned Parenthood to begin with. Now comes the time to educate both the public and legislators on the very beginning of human life and the need to protect even the tiniest humans among us.



Pro-Life Organizations Targeted While Abortion Activists Promise "Summer of Rage"

Since the Supreme Court's draft opinion in the *Dobbs* case was leaked to the media, pro-life organizations have been hit by vandals and arsonists, and pro-abortion activists are calling for "a summer of rage" if the court reverses *Roe*.

On Mother's Day someone firebombed Wisconsin Family Action's office in Madison, Wl. Wisconsin Family Action is part of the same nationwide network of pro-family organizations that Family Council is part of. The pro-abortion group Jane's Revenge later took credit for the attack, promising more violence to come. Arsonists also attacked the Oregon Right to Life office. In other states, pro-life ministries and churches were vandalized.

On May 15 the pro-abortion Women's March issued a statement promising that the coming months will be "a summer of rage" in America. "We will be ungovernable," Women's March President Rachel Carmona said, "until the right to

an abortion is codified into law." A few days later, a leaked memo from the Department of Homeland Security showed counterterrorism organizations are concerned about possible violence. In late May the Little Rock Police Department stationed one of its mobile surveillance towers near a pregnancy resource center and a surgical abortion facility. Lt. John Michael Trent told Family Council that the LRPD placed the tower there as a proactive step to deter criminal behavior. We deeply appreciate law enforcement taking steps to keep our community safe.

It's ironic that pro-abortion activists would attack and vandalize peaceful charities that help women. Of course, prolife organizations are not retreating. Following the attack in Wisconsin, Julaine Appling, president of Wisconsin Family Action, promised her organization will not be intimidated. "We will not back down," she said. "We will not stop doing what we are doing. Too much is at stake."



On May 8 arsonists firebombed offices belonging to Wisconsin Family Action.



In May LRPD stationed a mobile surveillance tower near the surgical abortion facility in Little Rock. A pro-life pregnancy resource center is next door to the facility.

Biden Administration May Force Girls to Share Showers, Locker Rooms With Males

This year, many expect the Biden Administration to roll out policies forcing girls to share showers, locker rooms, and bathrooms with males at school, and letting males who identify as female compete against girls in sports and for women's scholarships. In 2016 the Obama Administration worked relentlessly to convince public schools, colleges, and universities that males who identify as female should use girls' locker rooms, compete in girls' sports, and be housed in girls' dormitories on college campuses. The Obama Administration did that by redefining the word "sex" in federal policy to include "sexual orientation and gender identity." Americans enjoyed a reprieve from some of that under the Trump Administration. However, the Biden Administration seems determined to resurrect those bad policies.

In 2021 Arkansas passed Act 461 preserving fairness in girls' athletics at school. The law protects girls from being forced to compete against biological males in girls' sports. Letting biological males who identify as female compete against girls can rob female student athletes of important opportunities. In some sports, it can even be dangerous. Act 461 passed with overwhelming support in the Arkansas Legislature, and Governor Hutchinson signed it into law. In the past, the State of Arkansas also has advised public schools not to let biological males in girls' facilities at school. We hope these laws and guidelines will help protect schools that do not want to go along with the Biden Administration's pro-LGBT policies.

Family Council Pleased to Honor Arkansas' Longest-Married Couple

On Sunday, April 24, Family Council honored Arkansas' Longest Married Couple, Cleovis and Arwilda Whiteside of White Hall, for their 82 years of marriage. Mr. and Mrs. Whiteside have been married since July 24, 1939. They have 12 children—six daughters, and six sons—42 grandchildren, 101 great grandchildren, and 16 great-great grandchildren. Can you imagine what it would be like if even half of them came over for Thanksgiving dinner? What a legacy!

Mount Olive Missionary Baptist Church in White Hall graciously let us have a ceremony honoring Mr. and Mrs. Whiteside for their lifetime commitment to one another. Governor Hutchinson issued a special letter recognizing the couple's mile-

stone. The Whitesides also gave interviews to members of the media who were present. I say that we honored Cleovis and Arwilda Whiteside for being Arkansas' Longest Married Couple—but in a way, they honored us as well. They're an inspiration. Just getting to visit them, meet their family, and see their friends at church was unforgettable. It reminds us that love, commitment, family, and community can still flourish in our world. Before we left the church, Cleovis pulled us aside. "Next time," he told us, "we all ought to get some barbecue!" That sounds great to me!



Arkansas' Longest Married Couple, Cleovis and Arwilda Whiteside of White Hall, have been married since July 24, 1939.



Family Council Distributed 37,000+ Voter's Guides Ahead of the Primary Elections

This spring Family Council distributed approximately 37,400 printed copies of the Arkansas Voter's Guide. These guides went to families and churches all across the state. In addition to that, more than 8,100 people accessed the guide online at Arkansas Voters Guide.com. Altogether, our team estimates that Family Council's voter's guides reached approximately one out of every ten voters who voted in the May 24 primaries.

The Arkansas Voter's Guide is one of the most important services we provide. We survey the candidates on issues like abortion, education, critical race theory, and so forth, and we publish their survey responses in print and online at ArkansasVotersGuide.com. Our guide is nonpartisan. It doesn't favor one candidate over another, and we don't use it to make endorsements. It's strictly a tool that voters can use to learn where their candidates stand on the issues that matter to them.

This year, our staff anticipated we might distribute 25,000 – 30,000 printed copies of the voter's guide, but there was much more demand for the Arkansas Voter's Guide than we realized. We actually ran out of guides and had to order another 7,500—and we gave away nearly all of those as well. Some folks passed them out at church. Some gave them away at gatherings. It was more expensive to print and ship guides this year, because of rising costs and supply chain problems, but we were able to do it because we have good friends like you who believe in what we do and support us financially.

You will receive a free, printed copy of the General Election Voter's Guide in September, but you can pre-order additional free copies of the guide for your friends or church today by calling (501) 375-7000.

Family Council Joins Amicus Brief Before U.S. Supreme Court

On June 2, Family Council joined 14 other pro-family public policy organizations from different states in filing an amicus brief with the U.S. Supreme Court. The brief supports a graphic designer from Colorado who was told she has to design artwork for same-sex weddings—even though she believes marriage ought to be the union of one man to one woman. As the amicus brief explains, this case

is about our First Amendment freedoms. Nobody should have to violate their conscience or give up their religious liberty and free speech in order to run a business—but the State of Colorado is trying to force this graphic designer to do exactly that. The Supreme Court's ruling in this case could affect Americans everywhere. We expect a decision from the court sometime in 2023.

Thank you!!

HELP US ACCOMPLISH OUR VISION AND GOALS FOR ARKANSAS

Enclosed with this letter is an overview of our vision and goals for the rest of this year and early 2023. As you consider charitable giving for this year, I want you to keep us on your list. Your support keeps us going and enables us to be successful.

If you can help us now, we can certainly put your donation to good use. If you decide to wait a while, we will look forward to your help that's on the way. Regular monthly gifts are a true blessing as well. You can send us a check, donate online at FamilyCouncil.org, or just pick up the phone and call (501) 375-7000. We will be looking forward to hearing from you. We need lots of new donors to step up and start helping as well.

Every dollar that you give does good not just for today but for the future. Imagine the eternal impact of saving the life of an unborn child or sparing a young woman a lifetime of regret because of an abortion. Imagine the eternal benefit of helping a family to instill faith and good character into their children by home schooling. Think of how beneficial it is for our laws to reflect a biblical standard rather than some other standard. We are focused on this and a lot more. **Thank you, and may God richly bless you and your family.**

P.S. Abortion in Arkansas is near a 45 year low, and the U.S. Supreme Court is poised to issue the most significant abortion ruling in five decades. My team and I were able to distribute enough copies of the Arkansas Voter's Guide this spring to reach one in ten voters who cast a ballot in the May primaries. We plan to distribute tens of thousands more voter's guides this September and October. Enclosed with this letter is an outline of our vision and goals for the rest of this year and the first part of 2023. God willing, we want to accomplish everything on this list—and we plan to take on other projects and opportunities that we meet. We are blessed to have an incredible staff and an amazing network of friends like you who believe in what we do. Thank you for standing with us.



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.