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COUNCIL

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— SPECIAL —
**JUNE 2022
UPDATE LETTER**

Dear Friends,

America's unborn children have a new slogan: "Thank God for Mississippi!"

At 9:10 A.M. on Friday, June 24, the U.S. Supreme Court upheld a pro-life law from Mississippi and reversed the 1973 *Roe v. Wade* abortion decision. Less than five hours later I was standing in the Arkansas Attorney General's office alongside members of the media, lawmakers, and other individuals, watching Attorney General Rutledge, Governor Hutchinson, and Speaker of the House Matthew Shepherd announce that abortion in Arkansas was officially prohibited except in rare cases when the mother's life is in jeopardy. At 2:15 PM—five hours and five minutes after the Supreme Court's decision—abortion in Arkansas ended.

I personally spent most of June 24 in media interviews. After Family Council issued its official news release that morning, we received interview requests from everybody from AETN to the *New York Times*. I had the opportunity to speak with reporter after reporter about what the ruling means for Arkansas.

What a day! Reversing *Roe v. Wade* is historic. There are people who have dedicated their entire lives to reaching this point. As long as this ruling stands and our pro-life laws are enforced, thousands of unborn babies will be saved from abortion in Arkansas and elsewhere every year. That's a reason to celebrate.

Within hours of *Roe's* reversal we received word that women were coming to pregnancy resource centers in Arkansas for help. Their appointments at the abortion facilities in Little Rock had been canceled because of the U.S. Supreme Court's decision. Think about that: Already, there are children who will get to live and grow up because of the Supreme Court's ruling and because of the pro-life laws that are being enforced in our state. Isn't that amazing?!

There are six key takeaways I want to share with you in this special update letter:

- I want you to know how we reached this point.
- I want you to understand the ruling itself so you can talk about it with friends and family members.
- I want you to know what Arkansas' abortion ban says so that you can spot misinformation about the law.
- I want to outline some of the reactions we anticipate from pro-abortion activists in the coming months.
- I want to tell you about our vision for Arkansas now that *Roe v. Wade* has been reversed.
- And I want to let you know what you can do to help end abortion in America.

Before I do all of that, though, I want to thank the Lord for hearing our prayers and granting us a pro-life ruling from the U.S. Supreme Court. I want to say a huge thank you to all of the pro-lifers who have made this moment in Arkansas possible—Arkansas Right to Life, the pregnancy resource centers, the Arkansas Faith and Ethics Council, the Catholic Diocese of Little Rock, ministers, churches, Gov. Hutchinson, Attorney General Rutledge, the Arkansas Legislature, and ordinary families who committed themselves to the extraordinary work of ending abortion. **Keep reading this letter to find out more about this historic time in Arkansas.**

414 S. Pulaski St., Suite 2 • Little Rock, AR 72201 • 501-375-7000 • info@familycouncil.org

How Did We Reach a Place Where *Roe v. Wade* Could Be Reversed?

Arkansas passed its very first law against abortion in 1875—just 39 years after becoming a state. The law made it a crime to perform an abortion except in cases when the mother's life was at risk. It remained on the books until 1969, when the Arkansas Legislature enacted a revised law that prohibited abortion, but contained additional exceptions not found in the original 1875 law. Across the nation, most states had similar abortion restrictions in place. A few states—such as California—allowed abortion on demand.

In 1970 Norma McCorvey—also known as “Jane Roe”—filed a lawsuit against Henry Wade, the District Attorney of Dallas County in Texas. Her lawsuit challenged Texas' law against elective abortion. The case worked its way to the U.S. Supreme Court. On January 22, 1973, the court handed down the *Roe v. Wade* abortion decision overturning state abortion laws nationwide. The ruling argued that abortion on demand was rooted in an unwritten “right to privacy” in the U.S. Constitution. The ruling did not say exactly where the right to privacy is found in the constitution or how that constitutional right to privacy creates a right to an abortion.

In 1988, Arkansas voters passed Amendment 68 to the Arkansas Constitution. This State Constitutional Amendment prevents public funding of abortions and it states that Arkansas will protect the life of every unborn child from conception until birth as much as the federal constitution allows.

In 1992 the U.S. Supreme Court had an opportunity to reverse *Roe* when it issued its *Planned Parenthood v. Casey* decision. The *Casey* lawsuit had to do with a set of

abortion restrictions in Pennsylvania. The case presented a direct challenge against *Roe*. Instead of overturning *Roe v. Wade*, the court opted to overhaul major portions of *Roe*, but it reaffirmed *Roe's* central ideas about abortion on demand.

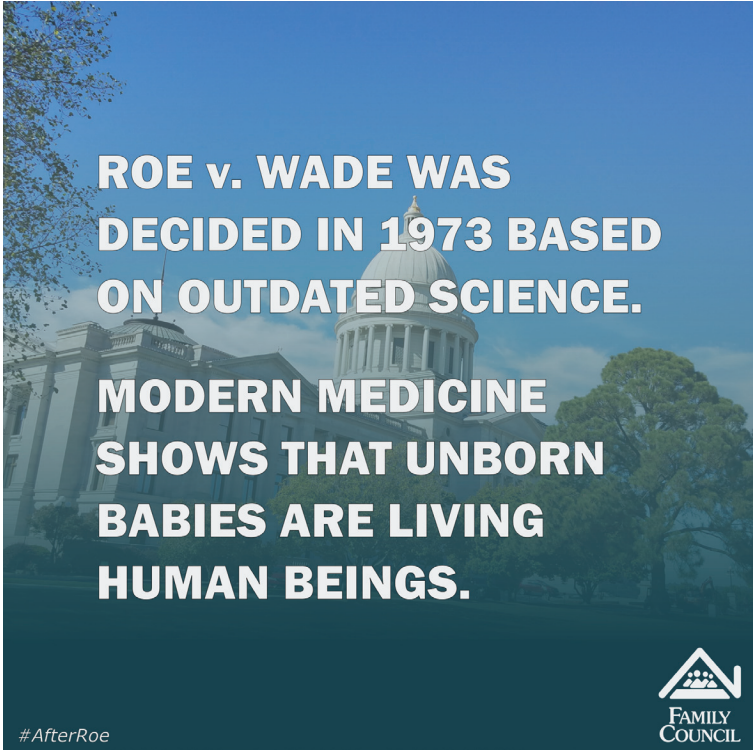
One positive point in the *Casey* decision was that the U.S. Supreme Court recognized that states may have legitimate reasons for restricting or prohibiting abortion in certain circumstances—especially after “viability,” when an unborn child is developed enough to survive outside the womb. Under *Casey*, states could regulate abortion procedures and they could prohibit late-term abortions. That paved the way for Arkansas to pass nearly 50 pro-life measures between 1993 and 2021. **In 2019 the state legislature passed Act 180 saying that if *Roe v. Wade* and *Planned Parenthood v. Casey* were ever reversed, abortion would be illegal in Arkansas except to save the life of the mother.** Many other states enacted abortion restrictions during that time as well.

In 2018 the State of Mississippi passed a law generally prohibiting abortion after the fifteenth week of pregnancy. The abortion facility Jackson Women's Health Organization filed a lawsuit to have the fifteen-week ban struck down as unconstitutional for violating *Roe v. Wade* and *Planned Parenthood v. Casey*. Mississippi's attorney general responded to the lawsuit by arguing that *Roe* and *Casey* were wrongly decided and should be overruled. The case became known as *Dobbs v. Jackson Women's Health Organization*. Arkansas' attorney general and other state attorneys general filed court briefs in support of Mississippi's law.

The case worked its way through the federal court system. In December of 2021 the U.S. Supreme Court heard oral arguments for and against the fifteen-week ban. A few days later the nine justices on the court met in conference to discuss the case. By February, Associate Justice Samuel Alito had drafted an opinion upholding Mississippi's law and overturning *Roe v. Wade* and *Planned Parenthood v. Casey*, and a majority of the justices apparently agreed with his opinion. On May 2 someone close to the U.S. Supreme Court leaked a draft of that opinion to the media.

On June 24 the court issued its final opinion in the *Dobbs* case. The court upheld Mississippi's fifteen-week abortion ban, and it overruled *Roe v. Wade* and *Planned Parenthood v. Casey*. The decision did not make abortion illegal. Rather it said that abortion isn't a fundamental right and that voters, state lawmakers, and Congress can pass abortion legislation—just like they could before *Roe v. Wade*. Going forward, states will be free to allow abortion, restrict abortion, or prohibit abortion as they see fit.

Keep reading to find out more about the *Dobbs* ruling and about Arkansas' law prohibiting abortion.



**ROE v. WADE WAS
DECIDED IN 1973 BASED
ON OUTDATED SCIENCE.
MODERN MEDICINE
SHOWS THAT UNBORN
BABIES ARE LIVING
HUMAN BEINGS.**

What Does the *Dobbs* Ruling That Reversed *Roe v. Wade* Actually Say?

Here's a quick overview of the *Dobbs v. Jackson Women's Health Organization* decision issued on June 24:

- It says there is no right to an abortion in the U.S. Constitution.
- The *Dobbs* decision does not outlaw abortion.
- The decision does not say that there is a fundamental right to life in the U.S. Constitution.
- It lets voters, lawmakers, and Congress enact laws that restrict or prohibit abortion as they see fit.
- The ruling does not affect other issues—such as same-sex marriage or contraception—besides abortion.

Roe v. Wade put unelected judges in charge of our nation's abortion policy. The *Dobbs v. Jackson Women's Health Organization* decision lets the American people finally have a voice on abortion. *Roe* was decided in 1973 based on incorrect science. *Dobbs* recognizes that, thanks to modern medicine, we know things about unborn children that people simply did not know 50 years ago. The *Dobbs* decision actually says, "Roe was egregiously wrong from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences. And far from bringing about a national settlement of the abortion issue, *Roe* and *Casey* have enflamed debate and deepened division." In light of that, the *Dobbs* decision reverses *Roe* and *Casey* and makes it clear that Americans are free to enact their own abortion laws.

Here are some other takeaways from the ruling and the Supreme Court justices' concurring opinions:

- In the majority opinion, five of the court's nine justices ruled that *Roe* and *Casey* should be overturned and that Mississippi's pro-life law should be upheld.
- Three justices disagreed entirely with the ruling.

- Chief Justice John Roberts wrote a separate opinion saying he believed the Mississippi law should be upheld, but that he did not think *Roe* and *Casey* should be reversed.
 - That's why some people say the court's decision was 6-3 while others say it was 5-4.



- Justice Brett Kavanaugh wrote a separate concurring opinion saying he does not believe the U.S. Constitution protects abortion or prohibits abortion. In his view, the constitution is neutral on abortion and the right to life.
 - Some experts speculate that a lawsuit arguing that the U.S. Constitution protects an unborn baby's right to life would fail 5-4, with Chief Justice Roberts and Justice Kavanaugh siding with the court's three liberal members.
- Justice Clarence Thomas wrote a concurring opinion arguing the same judicial philosophy that gave America bad rulings like *Roe v. Wade* and *Planned Parenthood v. Casey* has given us other bad rulings, like the *Obergefell* decision that legalized same-sex marriage nationwide.

Keep reading to find out about Arkansas' abortion ban and about the future of the pro-life movement in Arkansas.



Left: Family Council staff member Charisse Dean discusses the reversal of *Roe v. Wade* with reporters at the Capitol Building on June 24.

What Does Arkansas' Abortion Ban Actually Say?

Following the U.S. Supreme Court's decision to reverse *Roe v. Wade*, Arkansas Attorney General Leslie Rutledge certified that Act 180 of 2019 prohibiting abortion except to save the life of the mother is in effect. Family Council worked in support of Act 180 with our friends in the Arkansas Legislature and with other pro-life organizations.

Below is a brief overview of the law:

- Act 180 is a "trigger law" that was designed to take effect when *Roe v. Wade* and *Planned Parenthood v. Casey* were overturned.
- Act 180 prohibits abortion in Arkansas except to save the mother's life.
- It says anyone who performs an illegal abortion can be fined up to \$100,000 and imprisoned for up to 10 years.
- It does not prosecute a woman who has an illegal abortion.
- It doesn't criminalize miscarriage.
- The law permits procedures to remove an unborn baby who has died as a result of a miscarriage.
- It doesn't apply to ectopic pregnancies.
- Act 180 doesn't prohibit an OB/GYN from inducing labor or performing an emergency C-section.
- It contains clear exceptions for contraception—including the "morning after" pill or Plan B.
- Act 180 doesn't prevent a pregnant woman from receiving medical treatments—such as chemotherapy—that carry risk for the unborn child.

Act 180 of 2019 had 47 legislative sponsors and co-sponsors. Three-quarters of the Arkansas Legislature voted in favor of the measure, and Governor Hutchinson signed it on February 19, 2019.

Public opinion polling shows 79% of likely voters in Arkansas believe abortion should be either completely illegal or legal only under certain circumstances. Act 180 reflects that. It generally prohibits abortion, but it makes exceptions for serious medical complications—like an ectopic pregnancy—and for circumstances when the mother's life is in jeopardy.

Keep reading to learn more about what we can expect from pro-abortion groups and what Family Council's vision for Arkansas is now that *Roe* is reversed.



*Arkansas Attorney General Leslie Rutledge (left) and Family Council President Jerry Cox hold the official certification that *Roe* is reversed and Act 180 of 2019 is in effect.*

What Can We Expect From Pro-Abortion Groups, Going Forward?

Pro-abortion groups like Jane's Revenge, Ruth Sent Us, and The Women's March promised there would be a "summer of rage" in America if the Supreme Court overturned *Roe*. Some groups even called for pro-abortion rioting on the day of the decision. There has been some violence, but by and large it has not been widespread. Since May 3, more than 50 pro-life offices, ministries, and churches have been victims of pro-abortion vandalism, arson, and disruptive protests. We boarded up the windows at our office in downtown Little Rock out of an abundance of caution.

On June 24 Family Council boarded over windows at its office in downtown Little Rock in anticipation of possible violence. However, as of June 27 there have been no pro-abortion riots in Arkansas.



What Can We Expect From Pro-Abortion Groups, Going Forward? *(continued)*

However, we have not received any threats, and we aren't aware of any threats against pro-lifers in Arkansas.

Here's what we expect from pro-abortion groups, going forward:

- We expect them to file pro-abortion lawsuits in state and federal courts around the country to undermine the *Dobbs* decision.
- We expect them to pass radical pro-abortion measures in states like California.
- We expect them to push for Congress to pass federal pro-abortion legislation.

- We expect them to lobby for pro-abortion measures at the state and local levels.
- We expect them to try to pressure the Arkansas Legislature to weaken our state laws prohibiting abortion.
- We expect liberals in Congress to consider filing articles of impeachment against the U.S. Supreme Court justices who overturned *Roe v. Wade*.

Keep reading to find out what Family Council plans to do about this—and how you can help.

What Is Family Council's Vision for a Post-Roe Arkansas?

With the reversal of *Roe v. Wade*, Family Council has a three-pronged vision for building a culture of life in Arkansas:

First, we want to encourage the enforcement of Arkansas' existing pro-life laws. Besides our law generally prohibiting abortion, Arkansas has other pro-life laws that restrict abortion procedures, prevent taxpayer funds from going to abortionists and their affiliates, prevent public schools from promoting abortion, and so forth. Laws like these still have an important role to play in Arkansas. They help keep abortionists from receiving funds or exerting influence in our state. With the reversal of *Roe*, some people may feel like these laws don't matter. We need to make sure these laws are enforced.

Second, we want to support passage of any additional pro-life laws that may be necessary—and oppose efforts to weaken our good pro-life laws. With the reversal of *Roe v. Wade*, it is possible we will discover loop holes or technical problems in Arkansas' existing laws against abortion. If that happens, we may need to work with lawmakers to enact legislation that addresses these shortcomings and puts a stop to abortion.

There still is much more that Arkansans can do.

Finally, we want to expand our efforts to assist pregnancy help organizations in Arkansas. We've eliminated the court ruling that gave us abortion on demand. Now we need to eliminate the demand for abortion.

Arkansas is home to more than 60 pregnancy help organizations that assist women and families—including some 45 pregnancy resource centers that help women with unplanned pregnancies.

We want to expand our efforts to assist these organizations in Arkansas. This includes:

- Encouraging the Arkansas General Assembly to appropriate public funds to help women with unplanned pregnancies and the challenges of parenthood.
- Raising private funds for pregnancy help organizations.
- Encouraging churches and other nonprofit organizations to establish pregnancy-help ministries and provide assistance to organizations that are already in operation.

The Arkansas Legislature already has appropriated one million dollars in funding for these organizations. That money will become available in the coming months, but there still is much more that Arkansans can do.



**OUR VISION NOW THAT
ROE IS REVERSED:
ENFORCE ARKANSAS'
GOOD PRO-LIFE LAWS
FOCUS ON MAKING
ABORTION IRRELEVANT
SUPPORT PREGNANCY-
HELP ORGANIZATIONS**

#AfterRoe



LEARN MORE ABOUT THE *DOBBS* DECISION

At 11:00 A.M. on Wednesday, July 13, Family Council will host a special meeting on Zoom with retired constitutional law expert Rob Shafer and former U.S. District Judge Leon Holmes. They will discuss the *Dobbs* ruling and what it means for Arkansas. After they discuss the decision, we will have a time of prayer. **If you would like attend this special meeting, please contact erin@familycouncil.org or call our office at (501) 375-7000.**

IT'S TIME FOR US TO STEP UP

Roe v. Wade has been reversed and Americans are wrestling with the issue of abortion in a way we have never seen before. Pro-lifers have worked hard to reach this point. It's time for us to shift into a higher gear.

Reversing *Roe v. Wade* is not a destination. It's historic. It's something to celebrate. But in a way it's a milestone. The ultimate goal is to stop abortion.

Here are three ways you can step up right now to help do that:

- **Volunteer.** Pregnancy help organizations in Arkansas already are seeing more women come to them for assistance. One of our friends at a local crisis pregnancy center told us some of these mothers are in tears as they come through the door. They need our help. I would encourage everyone reading this letter to find a local pro-life ministry—a crisis pregnancy center, a church outreach, an adoption agency, or another organization—and volunteer there.
- **Pray.** Pray for hearts and minds to change on abortion. Pray that our nation will embrace a culture of life. Pray for pro-life ministries and leaders. Pray that pro-abortion legislation will fail.
- **Give.** Pro-life ministries need our financial support. Arkansas is home to more than 60 pregnancy help organizations that give women real options besides abortion. Most of these organizations are nonprofit—and it's likely that there is one somewhere in your area. They need our financial support.

You can also support the work of Family Council by sending a generous, tax-deductible donation today, if you are able. We always work hard to stretch every dollar we receive. We want to be good stewards of the resources that friends like you entrust to us.

Thank you for standing with us. **Because of your friendship and support, Family Council has been able to join others in standing in the gap for the unborn.** Look for more information from us about our plans for Arkansas in the weeks to come.

Sincerely,

Jerry Cox, President

Thank you!!

P.S. As of June 24, *Roe v. Wade* has been reversed, and Arkansas Attorney General Leslie Rutledge has certified that abortion in Arkansas is prohibited except when the mother's life is at risk. This is historic. **Many people have dedicated their entire lives to reaching this point. Now our work enters a new phase.** We want to stand strong against the pro-abortion efforts that are ramping up around the country. We've reversed *Roe v. Wade*, and we have made abortion mostly illegal in Arkansas. Now we want to make it irrelevant. I hope you will join with us in that work. Please let me know if you have any questions or if there is anything else my staff and I can do for you.



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.
