

Right to life – the obstacles

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The right to life – meaning of pre-born children – regained much of the ground it lost on a fateful winter’s day. But that right had lost much ground even *before* the January 22, 1973 decision in *Roe v. Wade*. It lost that ground because religious instruction ceased to be an understood part of schooling in America. A notion took hold that “respecting an establishment of religion,” within the meaning of the First Amendment, meant respecting *any* role of religion in the public square. Anyone hoping to re-establish a right to life, starting from conception, must eliminate that notion.

The Right to Life President...

Donald J. Trump still has the reputation as “the most right to life President in American history.” He earned that title, chiefly through his judicial and Justicial nominations. They most famously included Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett. Gorsuch took the place of another right to life Justice (Antonin Scalia), and Kavanaugh replaced a “swing Justice.” But Barrett replaced the most formidable foe of a pre-born child’s rights on the court, when said foe died.

The decision in *Dobbs v. Jackson Women’s Health Organization* was the almost inevitable result. Almost because, after all, the Fifth Circuit had ruled in favor of the Jackson Women’s Health Organization. They did so because they did not feel comfortable challenging a Supreme Court rule. Conservative judges don’t do that sort of thing. And Brett Kavanaugh seemed to be a stickler for process, not an advocate for any particular public policy.

In the end, the two old-line proponents of the right to life, Justices Samuel A. Alito and Clarence Thomas, carried the day. Chief Justice Roberts’ concurrence in the judgment, but not in Samuel Alito’s reasoning, told why the appointments of Barrett, Gorsuch and

Kavanaugh determined the outcome.

... has a failure of nerve?

But even the *most* right to life President is not necessarily perfect. In an interview with Todd Starnes, Trump said an absolute right to life platform cannot win today. Trump said Democrats have set a “trap” on the subject of pre-born life. He cited the failures of Doug Mastriano in Pennsylvania and Tudor Dixon in Michigan as having fallen into the trap. To avoid the trap, he says, one must compromise. Which specifically means that in three classically exceptional cases, the right to life is not absolute. Those cases are rape (usually forcible), incest, and the mother’s life.

That such cases, while tragic, vitiate the right of another human being to live, reflects the failure of religious education, and the notion that God is not Real. For that, blame James G. Blaine (R-Maine), Speaker of the House in 1875. He promulgated amendments to State constitutions essentially forbidding religious instruction in schools. His mind-set informed the Supreme Court in cases like *Lemon v. Kurtzman*. But the Court has taken care of this, too. *Carson v. Makin* invalidates any discrimination by State or local government against religious persons or institutions. *Kennedy v. Bremerton School District* directly invalidates the “Lemon Test” of faculty activity with students.

These cases do not directly establish Divine principles as binding on the civil law. But they *do* open the way for Christian educators to teach pupils, at all grade levels, that God is Real. But that holds, *if* Christians are willing to act.

How shall we act?

First, start *now* to eliminate all remaining Blaine Amendments from State constitutions, and all remaining Blaine Laws from the books. Voters can and should elect legislators who will introduce resolutions to repeal such Amendments. (As Louisiana did.) More than that, remember that the Courts are the new conservative theater today. CNAV encourages conservative activists and legal aid societies – who are part of the Judge Advocate General’s Corps of the “army” of freedom lovers, if you will – to sue to enjoin all States from enforcing those Amendments, and any laws that substitute for them. The *Carson* precedent clearly shows that *none* of those Amendments can or should stand.

Second, elect candidates to Boards of Education who will return explicitly religious education to our schools. Your editor attended a “public school” in Berks County, Pennsylvania from 1965-9. His teachers put on nativity plays and even taught the hymn *Come, Ye Thankful People, Come* at Thanksgiving. The Lemon Test stopped all such activity. But Coach Joe Kennedy of Bremerton, Washington State, won the right to resume it for all teachers. (Not only that, but the school board *couldn’t stop him*.)

Discrimination against non-Christians should not be part of the school experience, nor tolerated. Such discrimination has never been a valid exercise of Christian evangelism in any case. But nothing should ever again stop a school, or a teacher, from teaching that God is Real, and all that follows from that.

Reasserting the right to life over a generation

How long will it take to restore the right to life to the place it once held in American law? (See the opinion of the court in *Dobbs* if you cannot accept that at face value.) Probably a generation. But as Christians we have more than the law on our side. We have simple demographics, if we will use them. Secularists, in general, do not have children. They don't even *like* them. (Michelle Obama, for instance, actually called children "terrorists.") But conservatives *do* like children. The most radical thing any conservative can do is to marry and create a family.

The enemies of life know this; hence the spate of policies *unfriendly* to families. School elections were until recently the sleepest of all elections. We cannot afford that anymore. And if your school is doing your children dirty, tell them you'll do more than sue them. Tell them you'll run for the Board of Education. (Or your County Board of Supervisors or City Council if one of those bodies appoints your local school board.)

The goal must be to make the next generation understand why the exceptions are unsound – while *also making those exceptional cases ever less likely*. Only such a generation will declare the right to life absolute.