

July/August 2022

Pastor Bob Mahaffey  
Church of the Nazarene District Office Ohio

Dear Pastor Mahaffey,

You may have heard that Dr. Dobson's beloved wife, Shirley, fell in their home in late May and broke her hip. The fracture required surgery, and she is recovering nicely. Unfortunately, soon after returning home she encountered another bout with the COVID virus, but she is beyond it now. Through it all, Dr. Dobson has never left Shirley's side. This is why you have heard very little from him recently, despite his elation over the Supreme Court's ruling, overturning *Roe v. Wade* a few weeks ago.

Without question, this is a time for Christians to give praise and thanksgiving to our God! Millions of babies will potentially be saved because of the ruling. Dr. Dobson has asked his longtime friend and respected colleague, Gary Bauer, to write a summary of this landmark decision and explain what will happen now that *Roe* is officially dead. Gary has dedicated much of his professional and personal life to see *Roe* overturned. I can think of no one better suited to fill in for Dr. Dobson and share his thoughts on this momentous occasion.

—Joe Waresak, Chief Operating Officer, JDFI

I join Dr. Dobson and the James Dobson Family Institute in this joyous moment and salute the millions of Americans who have fought hard year after year to save innocent unborn children. Their commitment to restoring the sanctity of human life and their refusal to surrender to the powerful culture of death has brought us to this time of celebration for all of our brothers and sisters who are made in the image and likeness of God.

It would be nearly impossible to name each of the heroes and heroines who did not grow weary in this struggle. But I want to give a special note of thanks to Jim Dobson for his tireless, impassioned defense of the sanctity of life for forty-five years. He never wavered. His radio shows, speeches, articles, and books made the case for protecting innocent human life. Jim spoke with the power of God's truth behind him and impacted millions for this worthy cause.

Now, the Supreme Court in the case of *Dobbs v. Jackson Women's Health Organization* has finally overturned *Roe v. Wade*. The opinion by five justices, written by Justice Samuel Alito, included hundreds of citations and footnotes that legal scholars and constitutional historians will study and debate for years to come. This document provided the thorough examination of legal history and constitutional principles that the *Roe* and *Casey* courts so breezily ignored.

Here's what you need to know to win the debate over the sanctity of life that will now take place in every city, town and state in the country.

### **The Court Did Not Take Away a "Right"**

Critics are claiming that the Supreme Court majority took away, for the first time in our history, a constitutional right that previously existed. That is simply wrong. Justice Alito, who wrote the majority opinion, made it clear that there was never a constitutional right to abortion in spite of what *Roe* claimed. That is the whole point of the decision. In 1973, the Court erred when they claimed there was such a right. No Supreme Court from 1776 up to 1973, nor any state supreme court, had ever found such a right existed. The word "abortion" is not to be found in our Constitution.

The justices discovered that the right to abortion is not deeply rooted in our nation's history and tradition. In fact, they said that until "the latter part of the 20<sup>th</sup> century, such a right [to abortion] was entirely unknown in American law."<sup>1</sup>

In addition, the Court rejected the claim that somehow the 14<sup>th</sup> Amendment had hidden within it an implicit right to an abortion.<sup>2</sup> Since abortion was not embedded historically as a right, and it wasn't covered in the 14<sup>th</sup> Amendment, they concluded *Roe* was an "abuse of judicial authority."

### **Is Abortion a Fundamental Liberty?**

The 1973 *Roe* case, and other cases that followed, not only made the claim that abortion was in the Constitution, they further said that it was a "fundamental right." Fundamental rights are so inherently important that there is a very high bar against any proposed law or regulation by the government that would attempt to restrict or limit those rights.

Our Bill of Rights specifically enumerates many of those fundamental liberties. They include the freedom of speech, freedom of religion and the freedom of assembly. These are God-given rights that Americans cherish. People from all over the world flee countries whose governments do not permit their citizens these fundamental rights. The second paragraph of the Declaration of Independence refers to these liberties as "unalienable" rights. That word is not commonly used today. It means that it is impossible to curtail these fundamental freedoms that God has so endowed.

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<sup>1</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 5 (2022)

<sup>2</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 14 (2022)

When the Supreme Court claimed that ending the life of an innocent pre-born child through abortion was a fundamental right equal to the freedom of worship, speech and assembly, they committed a grave error. They have now corrected that massive blunder.

### **It is NOT a Constitutional Compromise**

Overturing *Roe v. Wade* is not an “attack on democracy.” It is the exact opposite! By returning the issue to the people, we will have more debate, not less, on a serious life and death issue. In our constitutional Republic, we should applaud whenever the people are empowered to make laws that will govern us rather than have those decisions imposed by unelected judges. The hysterical rhetoric claiming our democracy is now in danger is irresponsible and wrong.

Returning the battle over abortion to the people of the states is an expression of true democracy and NOT a constitutional compromise.

This is very important, as the battlefield of this war is now fought at the state level. Those of us who believe in the sanctity of life must redouble our efforts to hasten the day when all of our children will be welcomed into the world and protected by the law and the promises of America’s founding fathers and founding documents.

### **The Decision is Pro-Life and Pro-Science**

The majority in the 1973 *Roe v. Wade* decision dodged the fundamental question of the humanity of the pre-born child. Justice Harry Blackmun, who wrote the majority opinion, made the shocking statement that the court “need not resolve the difficult question of when life begins.” In the wake of *Roe*, the pro-abortion movement did everything they could to promote the lie that a “fetus” is not alive nor even human. (By the way, “fetus” is just a Latin word meaning unborn child.) They claimed abortion wasn’t destroying a life at all. It was just the removal of a clump of cells or the “product of conception.”

We know better today. Since 1973, every advancement in science has strengthened the pro-life case. We now know that at the moment of conception all the DNA is present that will determine everything about the unique human being that is growing inside the womb. Everything from the sex of the baby to the color of its eyes and hair is already in the “blueprint” of the developing child.

Ultrasound machines and sonograms have been a tremendous tool for the pro-life movement because they give us a “window” into the womb. We can see the humanity of the baby at every stage of the pregnancy. Doctors can now perform surgeries on babies in utero when necessary to save their lives or to correct a medical problem. We know that a baby’s heart begins to beat around the fourth week after fertilization and brain activity can be detected around six weeks. At eight weeks 90% of the baby’s body is formed. At 12 weeks a pre-born child can feel pain and will try unsuccessfully to avoid the abortionist’s tools.

Eight of the nine justices on the Supreme Court have graduated from Ivy League schools. These highly educated men and women know what the science shows about the humanity of the unborn child. The majority opinion even cites the stages of development of the baby in the womb!

### **The Court's Decision Will Not Threaten Other "Rights"**

It has been deeply troubling to hear irresponsible claims that the philosophy and legal principles the majority opinion relied on to reverse *Roe v. Wade* will now be used to reverse other court rulings and threaten basic rights.

Some have even claimed that the Court could now ban interracial marriage. That is nonsense! It also would be quite a surprise to Justice Clarence Thomas and his wife, who are an interracial couple! Others have claimed that contraception will be banned. These claims have no basis in fact. Justice Alito, writing for the majority, anticipates these distortions and directly answers this lie in his opinion. Alito also points out that this decision stands on its own because "abortion presents a profound moral question" that involves "protecting prenatal life." Elsewhere, he adds this unambiguous statement: "Nothing in this opinion should be understood to cast doubt on precedents that do not concern abortion."<sup>3</sup>

### **The Revealing Dissent**

Only three Supreme Court justices, Breyer, Sotomayor and Kagan, voted against Mississippi's ban on abortion after 15 weeks and also voted to uphold *Roe v. Wade*.

It is shocking that the dissenters made no serious effort to discuss the legitimate interest that the government and the people have to protect unborn children. Justice Alito made note of this. He wrote, "The dissent has much to say about the effects of pregnancy on women, the burdens of motherhood, and the difficulties faced by poor women. These are important concerns. However, the dissent evinces no similar regard for ... protecting prenatal life."<sup>4</sup>

The pro-life movement cares deeply about women facing crisis pregnancies. That's why there are PHC's (Pregnancy Help Centers). That is why many churches help such women. We also care about the defenseless child who dies in every abortion. *Roe* ignored that child. The Supreme Court just reminded us that the baby exists.

### **What Now?**

Millions of pro-life people here and abroad have been celebrating the overturning of *Roe*. But now the jubilation must give way to the acceleration of our efforts to educate our fellow citizens and to restore protections for unborn children in every state in the union, while also pouring out our compassion for the overwhelming needs of so many mothers. Here is what we can do to make a difference.

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<sup>3</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 66 (2022)

<sup>4</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 38 (2022)

- Stand with PHC's (Pregnancy Help Centers). They have been providing services and information for women in crisis pregnancies for decades. They need more help than ever. If your church has not yet "adopted" a PHC, please ask your pastor and elders to do so now.
- Urge your pastor and church leaders to speak boldly from the pulpit in the months and years to come on why abortion is the taking of innocent human life and a violation of Christ's teaching.
- Reach out to women who have been exploited by abortion in the past and are dealing with issues of guilt and depression. There is forgiveness and hope in the arms of Jesus.
- Register to vote in the party of your choice and then use your voice to ensure those you elect at the state and federal level are pro-life and committed to governing pro-life. You should reject any candidate who claims to be personally pro-life and then explains why he won't let his pro-life views impact how he governs. Faith without works is dead, as it says in Scripture.
- Win the battle in your own family. The children of our country are on the front lines. Cultural radicals, nihilists and "woke" leftists are selling lies to our children and grandchildren. Strengthen youth programs at your church. Help educate your kids so they aren't deceived by the "anything goes" age in which we live.
- Pray, Pray, Pray. America desperately needs a revival. Our founders believed only a virtuous people can remain free. They were right. Only if we turn our hearts back to God can our country survive in the dangerous years ahead.

—Your friend and fellow warrior for the cause of life, Gary Bauer

Thank you, Gary. I know that Dr. Dobson echoes your words of appreciation to God and the countless men, women, and children who have stood strong for the sanctity of life all these years. Our Lord heard our heartfelt prayers and once again extended His mercy upon our nation.

Yet, as you noted, this isn't a time to rest on our success. If anything, we now must continue to put our faith into action by caring for all human life—from the moment of conception until a person's last breath. We must be there to share the love of Christ in both words and deeds. This is God's charge to His people, and it is the compassion that undergirds our mission at JDFl.

Before closing, let me take this opportunity to relay that Dr. Dobson extends his utmost gratitude for the many prayers being lifted up for Mrs. Shirley Dobson. As you can imagine,

these past weeks have been challenging for the entire family, and your prayers have truly been sustaining them.

It is only fitting to conclude this letter with the profound truth captured in God's holy Word:

*"For you formed my inward parts; you knitted me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; my soul knows it very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. Your eyes saw my unformed substance; in your book were written, every one of them, the days that were formed for me, when as yet there was none of them." Psalm 139:13-16 (ESV)*

Praise God for the wonderful things He has done!

Warmest regards,

A handwritten signature in black ink, appearing to read 'Joe Waresak', with a long horizontal flourish extending to the right.

Joe Waresak, Chief Operating Officer  
Dr. James Dobson Family Institute

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