

August 2001

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Morality Can't Be Legislated—Right?

It may be true that the law cannot make a man love me. But it can keep him from lynching me...
—Martin Luther King, Jr.

The US House of Representatives weighed in this week in the matter of cloning human embryos for research purposes. Surprisingly, a bi-partisan majority agreed that such “research” (some refer to as ghoulish laboratory experiments) should be criminalized. Opponents of the ban, however, loudly protested that viewing “cloned” embryos as living humans, is a religious opinion that places public health at risk and is little more than an attempt to legislate morality.

Indeed, there were a lot of people in Washington, DC last week, attempting to influence Congress to ban the cloning of human embryos for moral reasons. I was one of them. However, there were many more on the “Hill” who opposed us, and were working just as hard to make their views the law of the land. Was it suggested that they were attempting to legislate morality—or for that matter, immorality? No, of course not. Such comments are reserved for combating positions that reflect a Christian world view.

When people use the “you can’t legislate morality” line, it is a sign of retreat - indicating their arsenals are spent. Libertarians, for instance, fall back to the worn “they’re going to do it anyway,” argument as justification for legalizing drugs or other wrongful behaviors now considered illegal. And, moderates who are usually moved more by opinion polls than principle, often dismiss harmful acts such as exposing children to Internet pornography in libraries by saying, “you can’t force people to be good.”

Another specious excuse for the benign neglect of public morals, frequently comes from the lips of Christians who do not *plead the cause of the poor and needy* (Pr 31:9) because they have heard somewhere that “laws can’t change hearts.” Such thinking, unfortunately, makes them bedfellows with the “keep your morals to yourself” crowd.

Critics of a Christian world view suggest that morality informed by religion is constitutionally protected for private consumption but becomes menacing when brought to the public market place. To support that view, Prohibition is often cited as an example of religious morality run amuck.

Adopted January 29, 1919, the 18th Amendment to the US Constitution was intended to prohibit the manufacture, sale, or transportation of intoxicating liquors in the United States. It was repealed 14 years later in 1933, due largely to a breakdown in enforcement and lack of public support, particularly in the larger urban regions.

But, not everyone thinks Prohibition was necessarily a failure. Frank Turek and Dr. Norman Geisler, authors of Legislating Morality, solidly defend those Biblically-minded social reformers of yesteryear, suggesting that the impact of the brief Prohibition era, produced results lasting more than a half century.

The “temperance movement,” which began in the early 19th century, was led largely at first by sober women who were fed up with drunk men. According to Turek and Geisler, the anti-alcohol campaign wasn’t as much motivated by a moral objection to drinking as it was by the immorality, family dysfunction, and criminal activity that drinking spawned.

The authors note: “In the 1830’s, with whiskey considered legal tender, annual per capita consumption of hard alcohol . . . reached a staggering 7.1 gallons. In some cases, even preachers were “paid” with whiskey! Alcoholism and its related problems—crime, family violence, incompetence in shops and factories, gambling, etc.—became so troublesome between 1820 and 1850 that some began to refer to our country as the ‘Alcoholic Republic.’ This prompted politicians such as Thomas Jefferson, James Madison, and later, Abraham Lincoln to urge abstinence for the good of family and country.”¹

Because voluntary sobriety was not working, however, states eventually began to enact their own anti-drinking laws. By 1855, thirteen of thirty-one states had such laws on the books and by 1916, twenty-one states had banned saloons, setting the stage for a national prohibition.

Despite its demise in 1933, Turek and Geisler suggest a good argument can be made that Prohibition accomplished its intended purpose—to sober up the country. Records indicate that in 1934, annual per capita consumption of alcohol was less than one gallon, and remained below pre-Prohibition levels until 1975!

Apparently, placing anti-drinking laws on the books had a long-lasting effect on the attitude of the nation towards alcohol. One might even conclude that such laws changed the hearts of the people.

A similar case can be made that before *Roe v. Wade* in 1973, arguably 90 percent of the public supported the anti-abortion laws which were in place in all 50 states.² However, without first checking the “heart condition” of the people, seven Justices of the US Supreme Court voted to strike down every state law, making that which was illegal - suddenly legal. The fact that the country is now evenly divided on the issue of abortion, demonstrates how powerfully the law itself has affected public views.

But, even if laws do not change hearts, they are necessary to restrain evil. In fact, laws are not intended to change hearts but to restrain actions. Picture Moses saying to God, “But LORD, these Ten Commandments will do no good. You must first change the hearts of the people.”

As I write, the hearts of most Americans (polls say 86 percent) are sensitive to the moral view that it is wrong to produce a tiny human embryo for purposes of experimentation and subsequent destruction. That sensitivity, I’m afraid, will evaporate quickly unless the US Senate follows the lead of the House. Please consider speaking for those who have no voice. Senators Patty Murray and Maria Cantwell will be here at home for an August break. They need to hear your thoughts.

If you feel intimidated by the technical and scientific aspects of the cloning issue like I do, try sharing with our Senators, the simple truth. *Jesus loves the little children, all the children of the world...*

Rick Forcier

Executive Director

¹ Geisler, Norman L., Turek, Frank S., Legislating Morality, 1973, Bethany House, Minneapolis, MN, pg.28

² Washington State is the only state to approve abortion by public referendum.