

President's Mandate Trashes Religious Liberty

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.
--First Amendment of the Constitution

Former House Speaker Nancy Pelosi said, "We have to pass the bill (ObamaCare) so you can find out what is in it." Now ObamaCare is intruding into every aspect of our lives, including the **contraceptive/abortifacient/abortion mandate which is a clear violation of our First Amendment freedom of religion.**

Background: ObamaCare requires that private insurers offer "preventive services" free of charge without deductibles or co-payments. The pro-abortion Department of Health and Human Services (HHS) defined "preventive services" as all "FDA-approved contraception" including birth control drugs and abortifacients like Plan B and ella. **Apparently, pregnancy is considered a disease that should be "prevented."**

The mandate's very limited religious exemption applies almost exclusively to churches/places of worship and provides no protection for individuals or insurers who object to the coverage for moral or religious reasons. Faith-based schools, colleges, nursing homes, hospitals, etc., will now have one year to decide how to violate their convictions

Dueling Anti-Bullying Bills

Be kind and compassionate to one another. --Ephesians 4:32

This was the third year that an anti-bullying bill was taken up in the legislature. The two previous bills (in 2009 and 2011) failed to receive legislative approval.

CWA of South Dakota opposed these prior bills because they left the door open to adopting a list of characteristics for which bullying was prohibited. Our concern was that the list would include "sexual orientation" and "gender identity," which had already been included in some South Dakota school policies.

All children can be protected without enacting a list of categories. Furthermore, a list determines which victim

and provide these abortion-inducing drugs when this ruling becomes effective.

Contrary to the President's promise to prohibit taxpayer funded abortion, the HHS issued **another mandate** regarding health care exchanges. Any health plan that covers abortions may participate in the exchanges unless a state enacts a law that explicitly prohibits such coverage. **South Dakota has opted out of this egregious directive with HB1185 (see page 2).**

As much as President Obama would like us to believe this is a "women's rights issue," this is really a **religious freedom issue.** Americans must not be forced to **subsidize what they believe to be morally repugnant.**

In the context of the HHS Mandate, we reaffirm the Manhattan Declaration, which we signed months ago, and we reiterate its concluding statement, **"We will fully and ungrudgingly render to Caesar what is Caesar's. But, under no circumstances will we render to Caesar what is God's."**

receives special rights over another victim. **The issue is the behavior of the bully, not the characteristic of the victim.**

This year SB44 stressed local control, stating that school districts "may" adopt an anti-bullying policy, thus *urging* them to do so. SB130, however, was a "shall" bill *requiring* the districts to develop a policy and also prohibited listing protected classes. The two bills were merged into one – SB130, which changed many times before it passed.

The final bill signed by Gov. Daugaard required that a policy be adopted and prohibited "any protected classes of students" in existing and future policies.

CWA membership—State and National

A donation of \$25 or more has TWO benefits: membership in CWA of South Dakota and membership in CWA national.

All donations sent to **CWA of South Dakota, P.O. Box 2, New Holland, SD 57364** remain in South Dakota for state projects.

All donations sent to CWA national in response to their mailings are utilized in Washington, D.C.

Your renewed annual membership/additional donation is greatly appreciated.

All contributions are tax-deductible.



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When e-mailing your elected officials, be sure to provide your name and mailing address (street, city, state, zip code). They will disregard your e-mail if this information is not included. Please e-mail only one congressman at a time.



Concerned Women for America of SOUTH DAKOTA

"Protecting the Rights of the Family Through Prayer and Action"

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Spring
2012

Director's Notes: Alienation of Affections

You shall not covet your neighbor's wife.

--Exodus 20:17

An attention-grabbing bill that CWA of South Dakota was involved in this year was SB181, an attempt to repeal our good "alienation of affections" law. Since we have been actively lobbying at the state capitol, this is the third time we have had to defend this law.

Consider this scenario: Mr. and Mrs. Jones are happily married. Along comes Mr. Smith who is attracted to Mrs. Jones and entices or seduces her away from Mr. Jones. With online social media, chat rooms, etc. this is occurring more frequently. The "alienation of affections" law allows Mr. Jones, as the injured party, to bring a lawsuit against Mr. Smith for alienating Jones' wife. Many times this law is used in high profile cases where the intruder is a person of means.

"Alienation of affections" first became law in 1939 and was not challenged until 2002 when an attempt was made to abolish it. However, that year it was strengthened by amending it to be gender neutral. For example, if Mrs. Smith entices Mr. Jones, then Mrs. Jones, the injured party, can sue Mrs. Smith. In 2011, another attempt was made to overturn the law.

Since 2002, Cindy Flakoll, CWA of South Dakota's Legislative Liaison, has testified three times opposing elimination of this good law. This year, SB181 narrowly passed in committee but was defeated on the Senate floor with a strong vote of 12 to 22, thus keeping our good law intact.

In testimony, Cindy said that "alienation of affections" is "one tool that the legal profession has at its disposal in those rare instances when it may be necessary to utilize in assisting an injured spouse. **Our laws need to reflect the fact that there are consequences when adultery is committed and marriages are undermined.** We at CWA are concerned with the protection of marriage. The ability of an abandoned spouse to have legal recourse regarding the person who intervened to destroy their marriage is an essential right. There is the rare case in which this statute is used as a matter of justice." Cindy reminded the committee that there are three requirements that constitute a valid case.

In the Senate floor debate, the sponsor labeled the law a "savage sharia-based law," but another senator said that comparison was "over the top." He stated that this law sends a message that South

Dakota holds **the marriage family unit very sacred and it is worth some measure of protection.** Another mentioned that South Dakota is only one of seven states with this law still on the books and he is proud that we are. **Concern was voiced that if this law is repealed, what type of tone are**



we setting in our society? We must retain the sense that when someone is married, you do not intrude—you leave that marriage alone.

Supporters of the repeal characterized the law as archaic, medieval, outrageous, and offensive. They stated that this law places a monetary value on women, treating them like chattel, and our state needs to move into the 21st century. Others cited the law as discriminatory towards women.

In support of the law, South Dakota Supreme Court Justice Francis Dunn eloquently stated in *Hunt v. Hunt* in 1981, "It is one thing to abolish an action in tort which is void of defenses and unjust. It is quite another to abolish a long-standing legislative and judicial intention to preserve the sanctity of marriage by providing a civil remedy, and where reasonable and just defenses are available to a defendant **I feel certain that a case will arise in the future where some party has so flagrantly broken up a stable marriage that we would rue the day that an alienation suit was not available to the injured party."**

—Linda Schauer, State Director



Check out CWA's Web sites for information and updates on family issues. <http://sd.cwfa.org> and www.concernedwomen.org

POINTS from PIERRE

2012 Legislative Report

EIGHTY-SEVENTH SESSION, LEGISLATIVE ASSEMBLY

January 10 was opening day of session at the State Capitol, where **State Director Linda Schauer** and **Legislative Liaison Cindy Flakoll** represented your interests as volunteer lobbyists with a physical presence 28 of the 33 days. The bill directory consisted of 274 House bills, 197 Senate bills and 10 proposed constitutional amendments. View bills at <http://legis.state.sd.us/sessions/2012/BillList.aspx>.

Concerned Women for America's targeted issues are: **Sanctity of Life, Religious Liberty, Family, Anti-Pornography, Education, and National Sovereignty.** Legislation this session encompassed all of these core issues. On-the-ground lobbying efforts combined with grassroots prayer and action gets results! Without calls and e-mails from CWA members and friends, successes would have been more difficult to achieve. Below are the bills CWA of South Dakota worked to either pass or defeat.

BILLS CWA SUPPORTED:

SB155, to prohibit the employment of unauthorized aliens and to provide penalties therefor. Once again this was an attempt to get all parties to agree on a way to be more certain that employers are not hiring illegals. The bill passed Senate Commerce and Energy by a vote of 5-2, but failed in the Senate 10-19.

HB1128, require the Board of Education to conduct public hearings before adopting certain standards. This is a way to hold off the adoption of "Common Core Standards," which have their basis in national initiatives. CWA of Alabama has stated: "Not only has authority shifted more and more to the federal government, but along with that more authority is being taken by the state from the local school boards," and "Control moves further and further away from the parents who have the primary responsibility for educating their children." The House passed HB1128 by a vote of 66-4 and the Senate by a vote of 32-0.

HB1185, prohibit all qualified health plans offered through a health care exchange from including abortion coverage. ObamaCare does permit a state to opt-out of allowing insurance plans that cover abortion to participate in these "insurance exchanges." According to SDCL 28-6-4.5, South Dakota consistently has not allowed state or Medicaid dollars to pay for abortions except to save the life of the mother. HB1185 is a way for our state to again consistently maintain that pro-life stance. The House passed the bill 55-15 and the Senate passed it 26-6.

HB1254, revise certain provisions pertaining to the decision of a pregnant mother considering termination of her relationship with her child by an abortion, . . . to insure that such decisions are voluntary, uncoerced, and informed, and to revise certain causes of action for professional negligence relating to performance of an abortion. This bill was called a "clean-up" bill by the sponsor, who stated that when a large piece of legislation passed previously (last session's HB1217), it is often necessary to "tweak" the language after passage so that the statute can withstand court challenges. This is yet another pro-life bill. HB1254 passed the House 56-12 and the Senate 26-7.

BILLS CWA OPPOSED:

SB119, to revise the Human Relations Act to allow certain discriminatory practices to be investigated by municipalities and counties. This "bathroom bill" would add "sexual orientation" to human rights laws. ("Gender identity" was amended out by the sponsor, most likely in an attempt to placate some critics.) The bill was killed in Senate Health and Human Services 6-1. Expect to see EqualitySD, the ACLU and others continue this march to gain acceptance of the homosexual lifestyle throughout South Dakota.

SB141, to expand the legal definition of the term, domestic abuse. With terminology in the bill like "partner in an intimate relationship," as well as the past history of the intent of the sponsors, it became obvious that this was an LGBT, Equal-



Our Core Issues

Definition of the Family
CWA believes that marriage consists of one man and one woman. We seek to protect and support the Biblical design of marriage and the gift of children.

Sanctity of Life
CWA supports the protection of all innocent human life from conception until natural death. This includes the consequences resulting from abortion.

Education
CWA supports reform of public education by returning authority to parents.

Pornography
CWA endeavors to fight all pornography and obscenity.

Religious Liberty
CWA supports the God-given rights of individuals in the United States and other nations to pray, worship and express their beliefs without fear of discrimination or persecution.

National Sovereignty
CWA believes that neither the United Nations nor any other international organization should have authority over the United States in any area. We also believe the United States has the right and duty to protect and secure our national borders.

Words of Appreciation

"I thank my God upon every remembrance of you." --Philippians 1:3

- To our members who opened their homes to Cindy and Linda while they lobbied at the Capitol
- To all who faithfully responded to our e-mail alerts by contacting your state legislators
- To those who participated in our Encourage-A-Legislator Campaign

God bless you for your faithfulness!

ity SD bill and needed to be killed. The pro-family House members realized this and amended the bill to "partner in an intimate relationship with a person of the opposite sex," becoming aware that our statutes must not be undermined as to what constitutes the term "domestic." Then the bill sponsors in conference committee amended SB141 back to the mostly "bad" language, eliminating the good "opposite sex" amendment. The bill in this form appeared to be a precursor to undermining our South Dakota State Constitutional Amendment 21 § 9 proposed in the 2005 legislature by then Rep. Elizabeth Kraus and passed by South Dakota voters in 2006. It reads: *Only marriage between a man and a woman shall be valid or recognized in South Dakota. The uniting of two or more persons in a civil union, domestic partnership, or other quasi-marital relationship shall not be valid or recognized in South Dakota.* SB141 was finally killed in the House by a vote of 39-25.

SB163, to provide safety provisions by requiring registration of certain family day care facilities, to establish notification and reporting requirements for violations, and to provide penalties therefor. This bill was touted as necessary to "economic development," but the only business mentioned was a 400-employee cheese factory coming to Brookings. Previously, CWA has opposed these bills because they are a precursor to putting the clamps to family-home-care and favoring more and larger daycare centers. Parents prefer home settings for child care when parents work outside the home. Greg Boris, South Dakota Voices for Children, was the primary proponent of this bill. That organization has a history of regulating family-care out of business. SB163 was killed by a vote of 4-3 in Senate Health and Human Services.

SB167, increase the amount that may be played on a video lottery machine game. Known as the "crack cocaine of gambling," the video lottery bet limit would have increased from \$2 to \$5 per game. A treatment center in Canton stated that 95% of its clients are video lottery addicts. Senate State Affairs killed the bill by a vote of 6-3.

SB175, increase the number of video lottery machines that may be placed in a licensed establishment. The machines would increase from 10 to 14. Both Senate State Affairs and the Senate passed this bill with strong votes. However, the bad bill became worse when it was amended to additionally include an increased bet limit as in SB167. House State Affairs killed the bill 7-4.

SB181, repeal certain tort liability arising out of causes of action based on seduction, abduction, and alienation of affections. See "Director's Notes" on page 1 for a thorough explanation of this bill. Sen. Adelstein of Rapid City, prime sponsor of SB181, was the only proponent for the bill in Senate Judiciary Committee where the bill passed 4-3. The next day, after strong floor speeches upholding the traditional marriage covenant, pro-family senators rose up to kill this bad bill, voting 12 for and 22 against the "do pass" motion.

HB1150, prohibit false advertising by limited services pregnancy centers and to provide for judicial relief. This was an attempt by radical feminists to discredit pregnancy care centers. NARAL Pro-Choice SD and the American Civil Liberties Union of SD testified in favor. House Health and Human Services killed the bill 11-0.

HB1208, a bill to establish the South Dakota Early Learning Council. This is a precursor to establish community planning

For we hold that a man is justified by faith apart from works of law... Do we then overthrow the law by this faith? By no means! On the contrary, we uphold the law. --Romans 3:28 & 31 - RSV

processes and eligibility criteria and eventually seek state funding for prekindergarten programs, as we have seen attempted in previous sessions. Again we saw Greg Boris of SD Voices for Children behind this bill to eliminate "choice in child care" in our state. Certainly federal funds are already available for Head Start, Child Care assistance payments, special needs preschool, etc. To add another layer of bureaucracy to the mix is unnecessary and unwise. House Education Committee killed the bill 11-4.

HB1222, limit the authority of South Dakota delegates to an Article V convention to amend the United States Constitution, to prohibit any delegate from exceeding such authority, and to provide certain penalties therefor. This bad bill would have limited the ability of South Dakota delegates to a Constitutional Convention from proposing or voting on an "unauthorized amendment," even though delegates from other states would do so. Local Government Committee killed the bill 8-3.

HB1235, revise certain provisions relating to the South Dakota state flag. This was an attempt to remove our State Seal (including our State Motto, "Under God the People Rule") and replace it with a new work of art that many say is a pagan symbol. House State Affairs killed the bill 7-4.

HCR1001, Recognizing the week of January 22, 2012, through January 28, 2012, as Reproductive Rights Awareness Week. An obvious attempt by radical feminist prime sponsors to denigrate our long history as a pro-life state. HCR1001 was language from Wisconsin legislators who plan to target 15 states. They call it a "movement to fight back against anti-women's health legislation." A great majority of our House of Representatives saw through this ploy and the resolution failed 12-53.

God's love and mercy were so evident in our numerous decisive victories! Be sure to spread the word when you receive CWA of SD e-mail alerts. It is never too early to plan for next year's legislative session by enlisting new friends to join our list. For more information, such as sponsors of a bill, how your legislators voted, etc., please e-mail Cindy at legislaiison@southdakota.cwfa.org or reach her at 605.358.8651 or 605.380.2766.

South Dakota Extraordinary Litigation Fund: 2008 through February 2012

Davis v. State: Constitutional challenge to State's educational funding statutes:
2008 thru 2010 – paid \$1,147,710.30

Planned Parenthood: Challenge to constitutionality of State's 2005 abortion statute:
2012 – paid \$86.40
(Abortion Law Donor Identity Lawsuit: 2008 – paid \$27,825.91)

So in the past four years, the "school funding" lawsuit cost the South Dakota taxpayer nearly 41 times as much as the "abortion statute" lawsuit!

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Source: SD Legislative Research Council